

EXHIBIT 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lee C. Kamimura, individually,))
and all other similarly))
situated,))
))
Plaintiff,))
))
vs.) No. 2:16-cv-00783-APG-CWH
))
Green Tree Services, LLC,))
))
Defendant.))
_____)

DEPOSITION OF BRAD HARDWICK
30(b)(1) and 30(b)(6) Representative of
Green Tree Services, LLC
Las Vegas, Nevada
Thursday, May 25, 2017
Volume I

Reported by:
BARBARA R. JUSTL
CCR No. 878
Job No. 2625105

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DISTRICT OF NEVADA

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Plaintiff,)
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vs.) No. 2:16-cv-00783-APG-CWH
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Green Tree Services, LLC,)
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Defendant.)
_____)

Deposition of BRAD HARDWICK, 30(b)(1) and
30(b)(6) Representative of Green Tree Services, LLC,
Volume I, taken on behalf of Plaintiff, at Advanced
Resolution Management, 6980 West Cimarron Road, #210, Las
Vegas, Nevada, beginning at 11:03 a.m. and ending at
4:03 p.m. on Thursday, May 25, 2017, before BARBARA R.
JUSTL, Certified Court Reporter No. 878.

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BRAD HARDWICK

Volume I

BY MR. KIND

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1 Las Vegas, Nevada, Thursday, May 25, 2017

2 11:03 a.m.

3
4 BRAD HARDWICK,

5 having been administered an oath, was examined and
6 testified as follows:

7
8 EXAMINATION

9 BY MR. KIND:

10 Q Mr. Hardwick, could you please spell your name for
11 the record?

12 A First name is Brad, B-r-a-d; last name Hardwick,
13 H-a-r-d-w-i-c-k.

14 Q Have you ever had a deposition before?

15 A Yes.

16 Q How many depositions have you had?

17 A I don't know.

18 Q Approximately?

19 A More than 10; less than 20.

20 Q What sort of cases were those depositions about?

21 A Mostly related to mortgage servicing matters.

22 Q What did you do to prepare for today?

23 A Reviewed various -- you know, account notes, file
24 information, things like that, regarding the account in
25 question.

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1 Q Did you read the complaint?

2 A I did.

3 Q What other -- talk more about the servicing notes,
4 account notes.

5 A I reviewed the account in our servicing system. I
6 reviewed the -- some of our discovery documents. That
7 kind of thing.

8 Q Okay. The depositions that you've taken before,
9 have they all been on behalf of Green Tree?

10 A Yes.

11 Q All right. So as you know, you're here -- you're
12 representing Green Tree?

13 A Yes.

14 Q So if I say the word "you," I'm referring to Green
15 Tree unless I say -- you know, specify otherwise; is that
16 okay?

17 A Yes.

18 Q Just a few rules. If you don't mind, if you could
19 wait until I finish a response, so that way the court
20 reporter can get every -- what everyone is saying down.
21 Is that fair?

22 A Yes.

23 Q And for all responses, I just need a verbal
24 answer, as you've been doing. Is that okay?

25 A Yes.

1 Q And you are under oath today. Do you know what
2 that means?

3 A Yes.

4 Q Is there any reason why you would not be able to
5 give your best testimony today?

6 A No.

7 Q If you don't understand one of my questions, which
8 I'm sure is going to happen, you can just let me know you
9 don't understand and I'll try and make it clear. Is that
10 okay?

11 A Yes.

12 Q Let's start with just your personal history about
13 how you first came to Green Tree. So tell me about your
14 educational background.

15 A I have a high school diploma from Brinkley High
16 School in Brinkley, Arkansas. I have a Bachelor of
17 English from University of Arkansas. A Master of
18 Business Administration from the University of Texas at
19 Austin.

20 Q What year did you graduate with your Master's?

21 A 2007.

22 Q What was the first job that you had after that?

23 A I was working for Green Tree while I was going to
24 school. I've been working for Green Tree since 1996.

25 Q What position did you have with Green Tree while

1 you were in school?

2 A While I was getting my Master's?

3 Q Yes.

4 A I was operations manager.

5 Q What does that mean?

6 A Operations manager managed mostly collections
7 personnel. Also at that time I was in charge of
8 liquidating REO properties.

9 Q REO?

10 A Real estate owned.

11 Q What does that mean?

12 A It's repossessions and foreclosures that we had in
13 our office at that time.

14 Q Did you continue in that position after you
15 graduated?

16 A For a little while, anyway.

17 Q And then what position did you have after that?

18 A Regional manager.

19 Q In Texas?

20 A Yes, San Antonio.

21 Q What was the region?

22 A Well, it was the San Antonio, Texas, region. I
23 guess -- theoretically, the region was mostly south
24 Texas, but we serviced accounts from other places.

25 Q How long did you hold that position?

1 A Probably six or seven years.

2 Q And as the regional manager, could you discuss
3 your responsibilities in that position?

4 A Really pretty similar to what I was doing as an
5 operations manager, just at a higher level. By that
6 time, the -- they'd sort of done away with that
7 operations manager role, and the people in that role
8 focused solely on collections.

9 So by the time I was a regional manager, I still
10 had the REO responsibility, and then I had responsibility
11 over a larger group of collections staff. We also had
12 some customer service personnel in our office as well.

13 Q Did you personally have to deal with accessing
14 consumers' credit reports in that position?

15 A Occasionally, yes.

16 Q And did you oversee any department that was
17 responsible for accessing consumers' credit reports?

18 A Yes.

19 Q What position did you have after that?

20 A After that, I moved into my current role, which is
21 corporate litigation representative.

22 Q What does that mean?

23 A I attend legal matters for Ditech, whether it be
24 arbitration, mediation, deposition.

25 Q And that's your full-time position?

1 A Yes.

2 Q And you said before you've had about 15
3 depositions, between 10 and 20 depositions?

4 A Sure.

5 Q And how often is Ditech being sued?

6 A I wouldn't know how often Ditech is sued.

7 Q It keeps you busy, huh?

8 A It's a big company, so -- I'm one person, so it
9 wouldn't take much to keep me busy.

10 Q Is there anybody else that does what you do? Are
11 you the only --

12 A There are three of us.

13 Q What sort of training do you have? I'm sorry,
14 what's the name of the position that you have right
15 now?

16 A Litigation representative.

17 Q You said for corporate?

18 A Yes.

19 Q So what sort of training did you go through to
20 become a litigation representative?

21 A Really on-the-job training. In -- historically,
22 these types of matters were handled by people in
23 management, so it would be something that in my prior
24 role as a manager, I would occasionally have to do these
25 types of things. Just not very often.

1 So, you know, I've been giving depositions or
2 being a witness for quite some time in my role as a
3 manager.

4 Q Who selected you to have this position?

5 A My boss is a guy named Mike Gravink. He's in the
6 litigation department. He's one of our corporate
7 attorneys.

8 Q And I suppose he got to know you from various
9 legal matters?

10 A I've been with the company for 20 years by the
11 time that I got this job, so I knew a lot of people
12 within the legal department.

13 Q Have you ever testified in a courtroom?

14 A Yes.

15 Q How many times?

16 A Maybe half a dozen.

17 Q And all for Green Tree?

18 A Yes. Green Tree/Ditech. I'm using those sort of
19 interchangeably.

20 Q Do you mind if we just refer to Ditech as Green
21 Tree?

22 A That's fine with me. That's -- in my mind, that's
23 how I'm answering the questions, so makes it easier for
24 me.

25 Q So let's make that clear. Any time we're

1 referring to Ditech, we're referring to Green Tree, and
2 the other way around. It's the same company. Is that
3 fair?

4 A Yes.

5 Q I'm handing you here Exhibit Number 1.

6 (Deposition Exhibit 1 marked.)

7 BY MR. KIND:

8 Q Have you seen this document before?

9 A I believe I have, at least some version of it.

10 Q And this is the notice of the deposition for
11 today, right?

12 A Yes.

13 Q And take some time to go through the topics listed
14 on here, and let me know when you've read these.

15 A (Witness complies.)

16 MR. CRAM: I just want to also state for the
17 record that Ditech has made certain objections to this
18 30(b)(6) notice, and we're producing Mr. Hardwick today
19 subject to those objections.

20 THE WITNESS: Okay.

21 BY MR. KIND:

22 Q Is there any topic listed on here that you're not
23 prepared to discuss?

24 A I believe that I'm prepared to discuss everything.

25 (Deposition Exhibit 2 marked.)

1 BY MR. KIND:

2 Q I'm handing you here Exhibit Number 2. Could you
3 tell me what this document is?

4 A It appears to be a welcome letter advising that
5 servicing has been transferred to Green Tree.

6 Q So it's fair to say that about September 16, 2010,
7 is when Green Tree first had any contact with
8 Mr. Kamimura?

9 A I mean, this letter would be the welcome letter.
10 I think this would probably be about the first
11 correspondence.

12 Q Now, in preparing for today's deposition, did you
13 see any other accounts or relationship between
14 Mr. Kamimura and Green Tree other than the account
15 referenced in this letter, which is for the [REDACTED]
[REDACTED] address?

17 A I didn't see anything, but I wasn't looking at any
18 additional accounts.

19 Q Is there any reason to believe that there are any
20 additional accounts?

21 A There's no reason to believe that, no.

22 Q And you didn't look to see that there were no
23 other accounts?

24 A I did not. I just was reviewing the account in
25 question.

1 Q And this is a standard form letter that Green Tree
2 sends out?

3 A Yes.

4 (Deposition Exhibit 3 marked.)

5 BY MR. KIND:

6 Q Handing you Exhibit 3, could you tell me what this
7 letter is?

8 A It says "Notice of Servicing Transfer." It's
9 advising that servicing is being transferred from Green
10 Tree to Specialized Loan Servicing.

11 Q So it's fair to say -- and this letter is dated --
12 on the top right --

13 A November 24th, 2014.

14 Q The letter says that it's going to be transferred
15 on December 7, 2014 or December 8th; is that right?

16 A Let's see. Yes, that's correct.

17 Q And is this a standard form letter that Green Tree
18 sends out?

19 A Yes, it is.

20 Q So between the two exhibits, number 2 and number
21 3, is it fair to say that Green Tree started servicing
22 Mr. Kamimura's account in September 2010, about September
23 2010, and then stopped servicing the account in December
24 2014?

25 A Yes.

1 Q And then are you aware of any other accounts that
2 Green Tree had for Mr. Kamimura after December 2014?

3 A I'm not aware of anything, no.

4 (Deposition Exhibit 4 marked.)

5 BY MR. KIND:

6 Q Handing you Exhibit Number 4, do you recognize
7 this document?

8 A I don't recognize it.

9 Q Have you seen something like this before?

10 A Yes, I have seen something like this before.

11 Q In preparing for today's deposition?

12 A No, I did not look at anything like this in
13 preparation for today's deposition.

14 Q Okay. So this is a document that was filed in
15 Mr. Kamimura's bankruptcy. Do you have any reason to
16 dispute that?

17 A I have no reason to dispute that.

18 Q And this was produced by Green Tree in discovery
19 in this case. Do you know what system this was saved on
20 for Green Tree?

21 A I don't, no.

22 Q When Green Tree gets documents relating to a
23 bankruptcy, do they have a specific software or system
24 that they store the bankruptcy documents on?

25 A They would certainly -- we have an imaging system

1 that's called NIS, and I know that bankruptcy documents
2 are housed there. I am not aware of any other place
3 where the documents are held.

4 Q So if you had to guess, this would probably have
5 been printed out from NIS?

6 A I -- if I had to guess, that would be my guess. I
7 don't like to guess, but probably.

8 Q Does Green Tree have other systems for scanning
9 images and saving images?

10 A Not that I'm aware of.

11 Q On the left side towards the middle of the table,
12 there's a reference to Green Tree Servicing. Do you see
13 that?

14 A I do.

15 Q And then the -- in the fourth column, it indicates
16 that it's unsecured debt. Do you see that?

17 A Fourth column -- yes, unsecured.

18 Q And then there's some payments over here. So
19 Green Tree was paid by the trustees some payments during
20 Mr. Kamimura's bankruptcy. Do you have any reason to say
21 otherwise?

22 A I have no reason to say otherwise.

23 Q Is there any way to tell from Exhibit Number 4
24 when Green Tree received this document?

25 A There's a date at the top that says entered

1 1/14/14.

2 Q I --

3 A I'll admit I'm having a hard time reading all of
4 this, so --

5 Q Okay. I can just tell you the date on the top,
6 1/14/14, is the date this was filed in the bankruptcy
7 docket, so that's not the date that Green Tree received
8 this.

9 A You know what, there's some sort of a date stamp
10 on the second page. I saw that, but I'm not sure. I
11 can't read that either.

12 (Deposition Exhibit 5 marked.)

13 BY MR. KIND:

14 Q I'll hand you Exhibit Number 5. This was another
15 bankruptcy document that also was produced by Green Tree.
16 So is that a stamp that's on the bottom right?

17 A Yes, there's a stamp on the bottom right.

18 Q And what does that stamp mean?

19 A It shows when it was received.

20 Q Okay.

21 A This one is easier to read.

22 Q So this is March 10, 2014. That's when Green Tree
23 received this?

24 A Yes.

25 Q And then so back to number 4, it does seem to be a

1 stamp, bottom right. It's harder to read.

2 A Yeah, I mean it -- I think I can see February 2014
3 there, but I'm not sure --

4 Q Okay.

5 A -- about anything else.

6 Q Does Green Tree dispute that it was aware of
7 Mr. Kamimura's bankruptcy?

8 A No.

9 Q And Green Tree received notice that his -- that he
10 received a discharge, right?

11 A Yes, I believe so.

12 Q And there's no dispute that the debt owed to Green
13 Tree or that the debt that Green Tree was servicing was
14 discharged, correct?

15 A Can you say that again, please?

16 Q Sure. Green Tree is not disputing that the debt
17 that it was servicing in connection with Mr. Kamimura --

18 MR. CRAM: I'm going to object as that calls for a
19 legal conclusion.

20 You can answer if you know.

21 THE WITNESS: I don't know.

22 BY MR. KIND:

23 Q Do you dispute that Mr. Kamimura received a
24 discharge in bankruptcy?

25 A I do not dispute that.

1 Q Do you dispute that the debt that was serviced by
2 Green Tree was included in the bankruptcy?

3 A It was included in the bankruptcy, yes.

4 Q Do you dispute that after the bankruptcy
5 discharge, Mr. Kamimura did not have any personal
6 liability to Green Tree?

7 A I do not dispute that.

8 Q Because of the discharge, right?

9 A Yes, that's correct.

10 Q What sort of loan was it that Mr. Kamimura had?

11 A It was a second lien mortgage.

12 Q And it was secured on property originally,
13 right?

14 A Yes.

15 Q And as far as you know, after his bankruptcy
16 discharge, the loan was no longer secured, right?

17 A Yes, that's correct.

18 Q And what does it mean if a loan is secured?

19 A It means that there is collateral on which we have
20 a lien that we can pursue that collateral to satisfy the
21 debt.

22 Q So there was no collateral?

23 MR. CRAM: I'm going to object as that calls for a
24 legal conclusion again.

25 You can answer.

1 THE WITNESS: It was no longer secured.

2 BY MR. KIND:

3 Q Do you know if there was any collateral?

4 A There was certainly no -- there was certainly no
5 lien, enforceable lien that we had on the collateral.

6 Q What would the collateral be?

7 A I don't know.

8 Q Well, it would have been the house, right?

9 A It would have been.

10 Q But there was no lien on the house any longer?

11 A That's correct.

12 Q Was there a lien on anything else possibly, not
13 the house?

14 A I'm not aware of any additional liens.

15 (Deposition Exhibit 6 marked.)

16 BY MR. KIND:

17 Q I'm handing you Exhibit Number 6. Could you tell
18 me what this is?

19 A It's -- it appears to be the account history on
20 the loan in question.

21 Q So in Exhibit 6, are all these pages together, or
22 is this first page a separate document?

23 A It -- I mean, it comes from a separate place in
24 the servicing system. I mean, the first page has to
25 do -- I mean, internally we refer to this part as the pay

1 history, and then the subsequent pages are the activity
2 notes.

3 Q Okay. What computer system does this come from?

4 A I mean, I don't know -- I did not personally print
5 these documents, so I can't say exactly where they were
6 accessed. I would access them through a system called
7 UCS.

8 Q UCS?

9 A Uh-huh.

10 Q What does that stand for?

11 A I'm not sure. The CS is collection system. The U
12 is universal or unified or something.

13 Q So is there some other software that some other
14 employee at Green Tree might be able to get this same
15 information?

16 A Well, so -- accounts are -- this actual data for
17 each account is housed on another system, and then users
18 actually view it through -- through UCS. So if -- there
19 are a couple of different servicing systems that we have,
20 but users use UCS to actually view that data. So you
21 could actually, if the account was on -- GTA is a
22 servicing system that we have that houses the data. So
23 one could actually go to GTA and access this information
24 directly through GTA, or you could pull it up through
25 UCS, which is actually pulling the data from GTA.

1 Q What does GTA stand for?

2 A I think it's Green Tree acceptance.

3 Q So is that some sort of housing software that's
4 built specially for Green Tree?

5 A It's an AS-400, which I believe is an IBM system.
6 That's about all I know about it.

7 Q That's the back end of Green Tree's system for
8 keeping track of the accounts, account information?

9 A It's one of them. There are a couple other
10 servicing systems that we have.

11 Q But you think that this information came from
12 that?

13 A I'm not certain of where this information came
14 from. It could have come from -- like I say, it could
15 have come from UCS, which could have pulled it from --

16 Q Actually, these aren't tricky questions. On the
17 left over here, it says, "Source, GTA" on the first page.

18 A Where is that?

19 Q I just noticed that, too.

20 A There you are.

21 Q So this is saying "Source, GTA." Have you seen on
22 a document that looks like this the source would say
23 something other than GTA?

24 A Well, yes. I mean, it could be -- there's another
25 servicing system that's MSP. There's another one that's

1 called Latitude. So those are the other servicing
2 systems that we use. So there could be a similar -- a
3 similar type of document that pulled information from
4 MSP. These -- the note history looks like GTA to me,
5 but --

6 Q Is there another system that keeps notes on a
7 specific account?

8 A There's not another system that keeps like a
9 separate -- so these different systems relate more to
10 sort of when and where the account came from. So GTA was
11 the legacy system that everything used to be on. And
12 then, you know, MSP is kind of a newer servicing system
13 that some of the newer accounts are on. So the notes
14 would be recorded to whichever system that account
15 happened to be on. It would be one or the other, and
16 then those systems would feed the information to, say,
17 UCS.

18 Q Understood. So both MSP and GTA have this ability
19 to keep user notes?

20 A Yes.

21 Q Are there any accounts that are both on GTA and
22 MSP?

23 A I don't believe that there are any that are
24 simultaneously on both. There are accounts that get
25 moved from GTA to MSP or from GTA to Latitude, so -- in

1 which case all of the data would move from one to the
2 other. But there wouldn't be a sort of simultaneous
3 tracking of the account in two different systems.

4 Q What does MSP stand for?

5 A I don't know.

6 Q Is Latitude another version of this sort of
7 software?

8 A It's another version of that software, yes.

9 Q Is Latitude newer than MSP?

10 A I'm not sure.

11 Q So what sort of accounts usually go to Latitude as
12 opposed to MSP or to GTA?

13 A Latitude is primarily used for the recovery group,
14 which is charged-off accounts.

15 Q And MSP?

16 A MSP are primarily -- primarily first mortgage,
17 first lien mortgage accounts. I'm trying to think of --
18 I can't say for certain that 100 percent of the accounts
19 on there are first lien mortgage, but I believe most of
20 them are, anyway.

21 Q And would there be accounts on MSP that have been
22 charged off? Or would they be moved to Latitude?

23 A There would -- there would be a record of -- I
24 mean, once an account goes to charge-off, there would
25 still be a record of it in the system there. But then

1 that data would get moved to Latitude when the recovery
2 group starts to work the account.

3 Q So the account, whatever is left over in MSP, is
4 kind of shut down or just archived?

5 A Yeah, it would still be there. You just wouldn't
6 have any sort of go-forward knowledge of what -- of the
7 activity that was happening out there in Latitude.

8 Q Is it the same for GPA? Is that also
9 non-charged-off accounts?

10 A Well, you know, again, there would be sort of an
11 initial, you know, account setup within -- within GTA,
12 and then it would indicate a, you know, a charge-off and
13 then get moved to Latitude, and sort of that go-forward
14 data would be housed out there.

15 Q Are there generally accounts in Latitude that are
16 not charged off?

17 A I'm not aware of any.

18 Q And when there is a bankruptcy, is that considered
19 a charge-off for the purpose of sending it to Latitude?

20 A Bankruptcy is not the same as charge-off.

21 Q So what happens if there's a bankruptcy? Which
22 system gets used?

23 A I mean, it could be any system.

24 Q Which department does -- so within Green Tree,
25 when there's notice of bankruptcy filing, what does Green

1 Tree do?

2 A Flags the account as bankrupt, codes it as such,
3 and then services it according to the bankruptcy policy.

4 Q And that could be through using the GTA for
5 keeping track of the account or MSP, either one?

6 A Yes, it could be.

7 Q So for Mr. Kamimura, it looks like his information
8 was stored in GTA. Do you have any reason to believe
9 there are any additional notes on MSP or Latitude?

10 A I think this is all the note history we have.

11 Q I notice on page 1 it doesn't reference
12 bankruptcy. Do you know why that is?

13 A This is not a place where bankruptcy would be
14 reflected.

15 Q In the middle, one, two, three, four -- sixth
16 column, third row, it says "Charge-Off." What is that
17 referring to?

18 A Yes, it's -- just a description of the
19 transaction.

20 Q What do you mean by that?

21 A Well, this is the account pay history, and there's
22 a description of that -- of that entry, indicating that
23 the account was charged off.

24 Q So this account was charged off in August 2010?

25 A That's when this -- when this account entry was

1 made. I suspect -- I mean, this is all -- this August of
2 2010 entry, you know, based on what we looked at earlier
3 regarding the acquisition of servicing, these are the
4 first entries as we acquired the account. So, I mean, it
5 looks to me like it was acquired as a charge-off.

6 Q Is there a reason why this account didn't
7 automatically go to Latitude?

8 A Oh, I think it probably did go to Latitude, yeah.

9 Q Do you know if the reports and documents from the
10 Latitude system were produced in this case?

11 A I believe everything was produced.

12 Q Does Latitude also have a system of keeping
13 notes?

14 A I'm not sure. I've never worked in Latitude, so
15 I'm not sure exactly how it works.

16 Q Okay. And then the entry for December 8, 2014,
17 what does that -- on the fifth column -- so the column
18 says "Trn Cd." What does that stand for. Turn code?

19 A Transaction code.

20 Q Do you know what this transaction code is, C-ADJ?

21 A ADJ is adjustment. I'm not sure what the C is,
22 but the transaction description tells us it's a system
23 principal adjustment.

24 Q And this is when the account was sold?

25 A That's what it appears to be, yes.

1 Q Let's go to --

2 A Or servicing transferred. You referred to it as
3 sold. I don't know the details, but we saw earlier the
4 servicing transfer, so I assume that's what happened.

5 Q Does Green Tree own this debt, or did Green Tree
6 ever own a debt owed by Mr. Kamimura?

7 A Not that I'm aware of, no.

8 Q It was just servicing the account?

9 A Yes.

10 Q On the last page of this exhibit, so this goes
11 back in reverse chronological order, I notice here notes
12 start coming in on September 6, 2008. Do you know why
13 there are notes all the way back from 2008?

14 A It's common to receive some prior servicer
15 information. How much we get is sort of inconsistent,
16 you know, how much info they give us. But yes, we
17 usually get something from the prior servicer. So stuff
18 going back to '08 would have been the previous servicer.

19 Q On Bates number 02, it's the second page of this
20 exhibit --

21 A Okay.

22 Q -- there's the first entry for August 26, 2010.
23 Under "Initials" it says "CVT." Do you know what that
24 stands for?

25 A I -- I don't know what it stands for. It's --

1 it's the same initials all the way through. I think it's
2 associated with the -- with the prior servicer notes. I
3 think that -- I think those notes are all prior servicer
4 notes.

5 Q Can you tell over here when the notes start to
6 become from Green Tree as opposed to the prior servicer?

7 A I believe those September 13th notes are the first
8 ones that came from us.

9 Q And do you know what ZZZ stands for?

10 A I think it's just kind of a place holder for a
11 system note, system-generated note.

12 Q All right. Then the entries between September
13 2013 and then November 2014, there's nothing there. Do
14 you know why?

15 A I don't think that there was any -- any
16 substantive activity on this account.

17 Q So for about four years, wouldn't once in awhile
18 someone go in there and make a note or something?

19 A Not necessarily.

20 Q Who was keeping track of what was going on in the
21 bankruptcy?

22 A Presumably -- I don't know. I don't want to
23 presume.

24 Q Wouldn't it be some department that's keeping
25 track of the bankruptcy, what's going on, receiving

1 notices, receiving mail, would that be saved somewhere
2 else?

3 A No, it wouldn't be saved somewhere else. I just
4 don't know that there was any tracking being done on the
5 bankruptcy that was charged off on.

6 Q What's the note for November 6, 2014? What does
7 that mean?

8 A Account will be deboarded effective 12/8/2014, so
9 that's the system documentation of the transfer. It's --
10 the servicing is being transferred as discussed awhile
11 ago in that previous exhibit.

12 Q Actually a little bit down before that, September
13 13, 2010.

14 A September, sorry.

15 Q No, that was fine. I just want to go back for a
16 second.

17 A Okay.

18 Q The 5.59.33, they all are. "Sent to Daybreak.
19 Source - Banko Download." What does that mean?

20 A I mean, this is just -- documenting the bankruptcy
21 records that we received advising that it was in
22 bankruptcy.

23 Q Banko stands for bankruptcy?

24 A No, I think that's some sort of a bankruptcy
25 notice software or something, or database maybe.

1 Q So does Green Tree use the database Banko to keep
2 track of bankruptcies of its customers?

3 A I think it's used to view bankruptcy notices. I
4 think it's like a -- subscriber database or something
5 that you can go out and look for notices that have been
6 filed.

7 Q So I notice here it doesn't have any mention --
8 you know, letter sent to Mr. Kamimura, welcome letter or
9 the transfer letter, that's not here. Would that be
10 somewhere else?

11 A I don't know.

12 Q Would it normally be on these service notes?

13 A Some letters -- I mean, honestly, I don't know. I
14 don't know the answer to that. I don't see it here. I'm
15 not sure why it's not here.

16 Q Do these notes normally say when letters are sent
17 out?

18 A They certainly reflect like collection letters and
19 things like that. But this letter sort of falls outside
20 of that, so I don't think it would necessarily be part of
21 this record.

22 Q So there were no collection letters sent?

23 A That's correct. That would be reflected here.

24 Q And would phone calls be reflected here?

25 A Yes, I believe so.

1 Q So there's no phone calls, right?

2 A Right.

3 Q So between acquiring this loan or from when Green
4 Tree started to service the loan until it sold it to
5 Specialized Loan Servicing, it didn't attempt to contact
6 Mr. Kamimura at all, right?

7 A I don't believe we tried to contact him, no.

8 MR. CRAM: I think that misstates his testimony.
9 There were two letters that were sent, the hello letter
10 and the goodbye letter.

11 MR. KIND: That's fair.

12 BY MR. KIND:

13 Q Besides the welcome letter and the goodbye letter,
14 it doesn't seem like Green Tree tried to contact
15 Mr. Kamimura?

16 A Yes, that's correct.

17 Q Do you think that maybe the welcome letter and the
18 goodbye letter, those are just automatically generated by
19 the system?

20 A I'm sure that they were system-generated documents
21 that were somehow associated with the acquisition of
22 servicing and the transfer out of servicing. But I don't
23 know the exact mechanism by which those documents were
24 triggered.

25 Q So what was Green Tree doing with this account? I

1 mean, they got it; four years later they transferred it.
2 What was the point of holding this account?

3 A So accounts are transferred to us in bulk. I --
4 based on what I'm seeing here, it appears to me that the
5 determination was made that the account was in
6 bankruptcy. It had been previously charged off. I think
7 it was acquired as charge-off -- as a charge-off account,
8 and I think there was nothing for us to do.

9 Q Why did Green Tree wait for four years to transfer
10 it away?

11 A I don't know.

12 Q Do you know whose decision it was to sell it -- it
13 says, "Sold to Specialized Loan Servicing." To either
14 sell it or transfer it to Specialized Loan Servicing,
15 whose decision would that have been?

16 A I don't know.

17 Q So the obvious question is why was Green Tree
18 accessing Mr. Kamimura's credit reports throughout this
19 whole thing if there was no activity on the account, they
20 weren't trying to contact him, trying to collect,
21 what's --

22 MR. CRAM: I'm going to object. I mean, it's --
23 you're being vague and ambiguous as to what you mean by
24 accessing Mr. Kamimura's account.

25 You can answer.

1 THE WITNESS: I don't know. I mean, would you, I
2 guess, be more specific about what instances you're
3 talking about?

4 MR. KIND: Sure. And if you don't mind, just
5 allow me to finish the question.

6 MR. CRAM: Sorry.

7 MR. KIND: Sure.

8 BY MR. KIND:

9 Q So between starting to service Mr. Kamimura's
10 account until it was transferred or sold, did Green Tree
11 access Mr. Kamimura's credit reports?

12 A There were, you know, what we call soft pull
13 refreshes done through the credit bureau on this
14 account.

15 Q What do you mean by "refreshes"?

16 A There are -- the accounts are on a -- sort of a
17 regular cycle where there is a refresh of data that comes
18 from the credit bureau. It's a -- what we call soft
19 pull, and then it periodically refreshes that data to get
20 new and updated data on the account.

21 Q And is there a name for the system that does this
22 automatic refreshing?

23 A You know, I think that -- I think it's probably
24 done through GTA. I mean, that's where the data is
25 housed.

1 Q Is there somewhere or some way to go into GTA and
2 create a list of all the times that Green Tree accesses
3 anyone's credit reports?

4 A I don't know.

5 Q If you wanted to go and find out every time that
6 Green Tree pulled Mr. Kamimura's credit report, is there
7 a way to do that in GTA?

8 A Well, I don't think that we -- I don't think that
9 we obtained a credit report. I think that we obtained
10 data from the credit reporting agencies that came from --
11 from that report, and that data was then -- was then
12 moved to GTA. And I think that presumably it's there. I
13 mean, GTA is the archive. I just don't know what format
14 that's in. It's not like -- I mean, the data is sitting
15 out there, but I don't know if it's in some user friendly
16 format that you can sort of look at and work from it.

17 Q The data is in the system?

18 A Yes.

19 Q So even maybe it's not user friendly, but maybe
20 some expert with coding or something would be able to
21 access all this information?

22 A I suspect that that's the case, yes.

23 Q Which system does Green Tree use? Let me start
24 that again.

25 Does GTA somewhere keep track of whether there's a

1 bankruptcy on a specific account?

2 A There is a -- there's a data field within GTA that
3 has a bankruptcy code, if applicable.

4 Q So if you wanted to and you needed to get this
5 information, there is going to be some way to pull a list
6 from GTA of all consumers who have had a bankruptcy; is
7 that right?

8 A Of all consumers that have had a bankruptcy. I
9 mean, there's bankruptcy coding within GTA. So those
10 codes would still be there.

11 Q Would the same apply to the accounts that are not
12 actually in GTA, they're on MSP instead? Would it also
13 have that same information?

14 A MSP also has bankruptcy coding capability, yes.

15 Q Does MSP keep track of consumer credit reports?

16 A I believe that the consumer credit reports all go
17 to GTA.

18 Q Even if the main account is on MSP?

19 A I believe that the credit reporting information
20 all goes to GTA.

21 Q And also does Latitude keep track of credit
22 reporting information?

23 A I think it all goes to GTA.

24 Q Okay. One more thing on this exhibit here. So as
25 of November 2014, someone made the decision that this is

1 going to go to Specialized Loan Servicing. But it wasn't
2 actually sold until December; is that right?

3 A I mean, the -- I think the servicing transfer
4 happened in December.

5 Q But as of November 6, 2014, Green Tree knew that
6 this was being transferred?

7 A The -- it -- what the note says is that the
8 account will be deboarded effective December 2014 to
9 service transferred to Specialized Loan Servicing. So
10 there was a transfer scheduled for the next month.

11 Q As far as you can tell, between November 6, 2014,
12 until the next month, December, there was no activity on
13 the account?

14 A That's correct.

15 MR. KIND: Do you want to take a break?

16 THE WITNESS: I'm good.

17 MR. KIND: Are you okay?

18 MR. CRAM: Yeah.

19 (Deposition Exhibit 7 marked.)

20 BY MR. KIND:

21 Q I'm handing you Exhibit Number 7. Exhibit 7 is
22 Green Tree's responses to plaintiff's request for
23 admission and discovery, and I just have a few questions
24 just to clarify a few issues on there. So on page number
25 3, it says, "Request for Admission No. 4," bottom of the

1 page.

2 The request says, "Admit Plaintiff's Bankruptcy
3 was discharged on or about April 2014."

4 And then the response says, after some objections,
5 "Subject to its specific and general objections stated
6 above, and without waiver of any of those objections,
7 Ditech responds: Deny."

8 Do you know why in this request Ditech is denying
9 that the account was discharged?

10 MR. CRAM: I'm going to object as it calls for a
11 legal conclusion, and that does not reflect what the
12 question was.

13 BY MR. KIND:

14 Q Do you know why Ditech -- well, do you have an
15 answer to that question?

16 A No.

17 Q You just don't know?

18 MR. CRAM: You asked whether the bankruptcy was
19 discharged, not whether the account was discharged.

20 MR. KIND: Okay.

21 BY MR. KIND:

22 Q Do you think that's -- that question was kind of
23 badly worded?

24 A I suspect that that's the reason for the denial is
25 that it's an answer to the question that was asked.

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1 Q Okay. But we've been through this before. You
2 don't have any reason to believe that he received a
3 discharge in bankruptcy -- you don't have any reason to
4 believe that he did not receive a discharge in
5 bankruptcy?

6 A That's correct.

7 Q I appreciate you clarifying that.

8 Then "Request for Admission No. 11" on page 6, the
9 request is, "Admit Plaintiff did not conduct any business
10 with Defendant since the date of the discharge of
11 Plaintiff's Bankruptcy."

12 And then after the objections, "Ditech responds:
13 Deny." Do you know why this request was denied?

14 MR. CRAM: And I'm going to object on the basis
15 that the question is vague and ambiguous.

16 You can answer if you know.

17 THE WITNESS: I don't know.

18 BY MR. KIND:

19 Q Do you know if -- well, we discussed this
20 already -- Green Tree and Mr. Kamimura did not have any
21 additional business after this account was transferred to
22 SLS, right?

23 A I'm not aware of any additional business after the
24 servicing transfer.

25 Q Or even since the date of Mr. Kamimura's

1 bankruptcy, you're not aware of any other business
2 between Mr. Kamimura and Green Tree, right?

3 A What do you mean by "business"?

4 MR. CRAM: I'm going to object as the question is
5 vague and ambiguous.

6 BY MR. KIND:

7 Q What do you think business means? Any business.

8 A I guess I would just like for you to ask me a more
9 specific question. I mean, we serviced the loan for some
10 period of time.

11 Q Okay. And then after the date of his discharge --
12 yes, let me start that again.

13 So Green Tree serviced the loan for some period of
14 time after the discharge, right?

15 A I don't recall the date of the discharge.

16 Q Okay. Well, the discharge was in April 2014. Do
17 you have any reason to think that it was otherwise? Look
18 at the "Response to Admission No 10." "Ditech admits
19 that on April 21, 2014, a Chapter 13 Discharge Order was
20 filed."

21 A So we did service --

22 MR. CRAM: Do you want to ask a question?

23 MR. KIND: Yes.

24 BY MR. KIND:

25 Q The question was, after the discharge, you --

1 Green Tree had continued to service in what way?

2 A We continued to -- you're asking in what way we
3 serviced it?

4 Q Yes.

5 A It -- the account was housed on our servicing
6 system, and for that period of time, the information was
7 there.

8 Q And that goes back to what we spoke about before,
9 those four years that it sat on Green Tree's system until
10 it was transferred to SLS, correct?

11 A Yes, that's correct.

12 Q So other than that, you're not aware that Green
13 Tree did anything else in connection with Mr. Kamimura?

14 A There were no -- there was no account activity.

15 Q From when?

16 A I mean, there was no -- there was no activity on
17 this account during the entire time that we were
18 servicing it as far as -- other than what we discussed
19 previously.

20 Q Does Green Tree use any other credit reporting
21 agency besides TransUnion to access consumers' credit
22 reports?

23 MR. CRAM: I'm going to object to the question as
24 being vague and ambiguous.

25 You can answer if you know.

1 THE WITNESS: TransUnion is who we use for soft
2 pull account refresh.

3 BY MR. KIND:

4 Q And that's the automatic batch refreshes?

5 A Yes, that's correct.

6 Q But then Green Tree also accesses Experian or
7 Equifax consumer reports sometimes?

8 A Yes, for other activities, not the soft pull
9 refreshes.

10 Q Do you know if Green Tree ever accessed
11 Mr. Kamimura's Equifax or Experian consumer report?

12 A I'm not aware of any instances of that.

13 Q Do you know if Green Tree ever accesses consumer
14 reports in a batch for Experian or TransUnion?

15 A I don't believe so.

16 Q What's the name of the system that Green Tree uses
17 to execute these batch uploads to TransUnion?

18 A Well, I think the way that it works is that -- I
19 believe that there's some code written into GTA that --
20 that sends TransUnion a file of the accounts that need to
21 be refreshed, and then TransUnion sends back a -- you
22 know, some sort of text file that is then uploaded into
23 GTA. I think it's all done through some code written in
24 GTA.

25 Q So there's no one actually manually part of this

1 process at all?

2 A Well, there's someone who wrote the code.

3 Q So for the various times that Mr. Kamimura's
4 consumer report or information was accessed from
5 TransUnion, there was no actual person involved in that?

6 A Only insomuch as there was a person who coded the
7 process.

8 Q So how does Green Tree tell TransUnion whether
9 this is an account review credit pull or promotional
10 credit pull or some other purpose? How does that get put
11 in?

12 A I'm not familiar with the promotional terminology.

13 Q Okay. We'll get back to that.

14 (Deposition Exhibit 8 marked.)

15 BY MR. KIND:

16 Q I'm handing you --

17 A Are we done with this?

18 Q Yes. Handing you Exhibit 8, can you tell me what
19 this document is?

20 A It's a section of bankruptcy policy.

21 Q How is this used by Green Tree?

22 A This is our policies and procedures manual that is
23 the basis for how we conduct activity on bankrupt
24 accounts.

25 Q Is this part of employee training?

1 A This is not a training document, no.

2 Q So who actually reviews this?

3 A Who reviews it?

4 Q Yes. Who is it written for?

5 A It's written for everyone to review the policy
6 sections. It's like a reference material.

7 Q So is this something accessible to all employees
8 at Green Tree?

9 A It is accessible, yes.

10 Q How is it accessible?

11 A It sits out on a database where you can go look at
12 it.

13 Q What's the name of that database?

14 A Policies and procedures database. Just go pull it
15 up online on, you know, the company's web page or
16 whatever, the internal.

17 Q So when employees come in, whatever computer
18 they're using, they click something if they're confused
19 about something or questions, they can always access
20 this?

21 A Yes.

22 Q Okay. On page 9 there's a section called
23 "Conversion Accounts" that says, "Accounts in bankruptcy
24 status at the time Green Tree acquires servicing rights
25 from another company are processed as shown in Figure

1 number 3."

2 A I haven't found you.

3 Q Page 9, Bates number 292.

4 A Okay, I'm there.

5 Q And the last --

6 A Yeah, yeah.

7 Q This would apply to Mr. Kamimura's account, right?

8 A Yes, I believe so.

9 Q And then on page 10, again it refers to Banko. In
10 this context, do you know what Banko means?

11 A I believe that it's the same as previously
12 discussed.

13 Q So it's some sort of bankruptcy software but
14 you're not sure what?

15 A I've never used it before, but as I understand it,
16 it's -- it's some sort of a subscriber service where one
17 can access bankruptcy records.

18 Q So based on the account notes that we saw before,
19 did you see that this account was sent to Banko?

20 A Yes.

21 Q And that's where you got the information about his
22 attorney and that it was in bankruptcy?

23 A Yes.

24 Q And references the Bankruptcy Department. So is
25 that a specific department of Green Tree?

1 A Yes.

2 Q How many people are in that department?

3 A I don't know.

4 Q More than 20?

5 A I don't know. I don't know.

6 Q What does Systems Group mean?

7 A I think that that refers to the -- for lack of a
8 better word, the computer people, the people that are
9 doing the -- the people doing the coding of GTA. Those
10 kinds of folks.

11 Q Does Green Tree have full-time people that do
12 that?

13 A Yes.

14 Q Do you know what number 6 means, "Boards loans
15 onto GTA"?

16 A Yes.

17 Q What does that mean?

18 A Boarding is the process of moving accounts onto
19 the servicing system.

20 Q What does CBR stand for?

21 A Credit bureau report. Or credit bureau.

22 Q And CBR codes, do you know what the codes refer
23 to?

24 MR. CRAM: I'm sorry. Oh, I see.

25 THE WITNESS: I'm not sure -- I'm not sure which

1 codes that it's referring to.

2 BY MR. KIND:

3 Q What CBR codes are you aware of?

4 A Well, you know, I think that presumably that has
5 to do with how we're -- how we're reporting accounts. So
6 I think that what that's -- what that's telling them is
7 to make sure that the account is being reported properly
8 to the credit reports.

9 Q Do you know what the -- and it says the accounts
10 are converted. Do you know what that refers to,
11 converted?

12 A Where are you talking about?

13 Q Right at the end.

14 A This whole thing is referring to conversion from
15 another servicer, so -- the -- completed during the same
16 month the accounts are converted, that has to do with the
17 transfer of servicing.

18 (Deposition Exhibit 9 marked.)

19 BY MR. KIND:

20 Q I'm handing you Exhibit Number 9. Can you tell me
21 what this is?

22 A It's another section of bankruptcy policy.

23 Q And this policy goes through Green Tree's
24 procedure of getting involved in the bankruptcy; is that
25 right?

1 A I mean, yeah, it's titled "Timeline and Process
2 Flow," so the prior policy we looked at was just general
3 information. This is more the procedures to follow.

4 Q And then on the last page, it has a flow chart,
5 and one of the boxes talks about sending a request to an
6 attorney, motion for objection when necessary.

7 In other words, Green Tree does sometimes file
8 documents or get an attorney to represent Green Tree in
9 connection to a consumer's bankruptcy, correct?

10 A Yes, that's correct.

11 Q But that didn't happen in Kamimura's case,
12 right?

13 A I didn't see any indication of that, no.

14 Q Do you know why?

15 A I do not.

16 Q Is each account manually reviewed to see if
17 someone is going to be involved in the bankruptcy case or
18 they're just -- Green Tree is not going to get
19 involved?

20 A I don't -- I don't know that there's a manual
21 review done on charged-off accounts like this one.

22 Q Why would this account be different than other
23 accounts in bankruptcy?

24 A Well, I -- we have different types of accounts
25 that we service, and we make different decisions based on

1 those account types as far as whether or not we're going
2 to -- whether or not there's going to be any sort of, you
3 know, collection activity or anything like that.

4 So, I mean -- I mean, regarding the bankruptcy
5 activity, I don't know -- I don't know what would
6 determine what gets a manual review versus some other
7 type of review.

8 Q Who would know that?

9 A Well, I mean -- you know, I mean, perhaps someone
10 in the bankruptcy department.

11 Q Do you know anyone's name who would have that
12 information?

13 A Not off the top of my head. I mean, what specific
14 information would you like for me to get for you?

15 Q The -- what I'm wondering is this account came
16 into Green Tree, and then it sat for four years and it
17 was transferred out. There's obviously a lot of
18 procedures here for Green Tree to file something in the
19 bankruptcy, to object to the bankruptcy, to file proofs
20 of claims, to get involved in the bankruptcy and try to
21 do Green Tree's job.

22 So what I'm trying to get to is who made the
23 decision that in this case, that Green Tree is not going
24 to get involved in the bankruptcy or file anything in the
25 bankruptcy?

1 A I mean, I don't know that there was a personal
2 decision made, but I think that in general, in general,
3 when servicing recovery accounts, the goal is to -- the
4 goal is to try to recover some portion of debt. You
5 know, this came in, you know, in bankruptcy, you know,
6 the debt was discharged, so there could be some sort of
7 automated process. I don't know that an individual would
8 have had to look at this to determine that no activity
9 was going to take place.

10 (Deposition Exhibit 10 marked.)

11 BY MR. KIND:

12 Q I'm handing you Exhibit 10. Before we get to
13 that, there are -- I mean that's Green Tree's stated
14 policy that Green Tree will protect its interests if it
15 can in a bankruptcy. Okay, that's not a question.

16 Let's move to this exhibit here. General
17 information. So under "Policy," there's a note and it
18 says, "Each bankruptcy case should be individually
19 reviewed to determine the best course of action to
20 protect and maintain collateral interest."

21 Do you see that?

22 A I do.

23 Q And I didn't ask you, this Exhibit 10, this is
24 another policy and procedure for Green Tree, right?

25 A It is.

1 Q So that's not surprising. So Green Tree does try
2 to protect its interests and protect its collateral
3 generally speaking, right?

4 A Yes.

5 Q So there is here something about that should be
6 individually reviewed, which also makes sense, right?

7 A Yes, it does.

8 Q And I guess what you're saying is you're just not
9 really sure of what happened with Kamimura, if it was
10 individually reviewed or not?

11 A What I'm saying is there's nothing in --

12 MR. CRAM: I think I'm going to impose an
13 objection. I mean, the document attached on Exhibit 9,
14 that flow chart speaks for itself about the review
15 process.

16 BY MR. KIND:

17 Q Do you remember what the question was?

18 A If you could repeat it.

19 Q I'll just ask you again.

20 A Okay.

21 Q So you're just not sure if Mr. Kamimura's account
22 was individually reviewed to determine if this process
23 was going to be followed by Green Tree?

24 A What I'm saying is that there's nothing in our
25 account history that we've reviewed earlier to indicate

1 that there was any sort of review done.

2 Q I'm really curious about this. So Green Tree got
3 an account, and then there's nothing in the notes showing
4 an individual review, it's not in there, and then four
5 years later it gets transferred out.

6 Were you curious about that as well when you were
7 reviewing for this case, what happened with this account,
8 or is this normal?

9 A I'm not so curious about it in that there are --
10 servicing transfers come in large batches. And there's
11 not -- there's not necessarily value in all of the
12 accounts.

13 You know, this came in as a charged-off account
14 that was in bankruptcy status, so it's not -- it's not
15 overly surprising to me that there was not a great deal
16 of work done on the account, given that the goal of the
17 recovery department that had this account is to -- is to
18 pursue -- is to pursue this charged-off debt that was not
19 really -- was not really present here for us to pursue.
20 So I don't find it surprising that there were no efforts
21 to collect on an account where there was nothing to
22 collect.

23 Q I guess part of what I'm also wondering and asking
24 about is it's not so much the fact that that is what
25 ended up happening, but the decision process.

1 So the account came in, and then no human even
2 looked at the account to say, hey, maybe we should send
3 this out for collection. That wasn't done, was it?

4 MR. CRAM: I think that misstates his testimony,
5 but --

6 THE WITNESS: I'm just saying that the account
7 came to us in bankruptcy. Nobody is going to collect on
8 it when it's in bankruptcy. It's flagged as a bankrupt
9 account and is therefore excluded from the normal course
10 of collection activity.

11 BY MR. KIND:

12 Q But the process described in Exhibit Number 10
13 that you have there of this, this also wasn't done, this
14 process of seeing if maybe they should get an attorney to
15 protect Ditech's interest in the bankruptcy, so that
16 wasn't done either, right?

17 MR. CRAM: Again, object, that misstates his
18 testimony.

19 THE WITNESS: These are -- these are sort of broad
20 bankruptcy policies. You know, the policy that we're
21 looking at here, you know, the note that says each
22 bankruptcy case should be individually reviewed to
23 determine the best course of action, you know, I think
24 that that refers, you know, primarily to -- to a new
25 bankruptcy, right? You get a notification on a

1 bankruptcy and you're going to take a look at the account
2 and see how to move forward. That's not really the case
3 here. It came in as an existing bankruptcy, where there
4 wasn't really anything for us to do.

5 BY MR. KIND:

6 Q So you mentioned a couple times that
7 Mr. Kamimura's account came in in a large batch. Do you
8 know the number of accounts that came together with
9 Mr. Kamimura's account?

10 A I don't, but I've never seen one come
11 individually, and I can't imagine that this one would
12 come individually.

13 Q When Green Tree normally receives a batch of new
14 accounts, is it ever under 100 accounts in there?

15 A I wouldn't want to speculate on numbers. I don't
16 see all of the servicing transfers, so I wouldn't be able
17 to say that we've never gotten one with less than -- or
18 at least -- less than 100, but I think it would be
19 unusual. But I don't see them all, so I wouldn't want to
20 speculate on the number.

21 Q How about in Mr. Kamimura's actual batch that came
22 in. Was it more than 100?

23 A I have no idea how many accounts were in this
24 batch.

25 Q How would I be able to find that if I needed to?

1 A Presumably that's a number we could get to. I
2 don't know the number but I'm sure somewhere we could get
3 that if that's important.

4 Q Where would that be?

5 A I'm sure that there would be a record of the
6 servicing transfer that came in during that time frame.

7 Q I never asked you this. You work out of Texas
8 now?

9 A Yes.

10 Q Okay. So if you were back at your office right
11 now, and that's the information you had to find, how many
12 accounts came together with Mr. Kamimura's account, who
13 would you go to? Which computer system would you turn
14 on?

15 A I would send a request to someone in -- on our
16 systems group, some, you know, computer folks that are in
17 charge of these transfers.

18 Q So the systems group, that's the tech people that
19 you talked about before?

20 A That's right. Someone supervised the onboarding
21 of a group of loans on the date in question, so there
22 would be -- we'd be able to get at that number of
23 accounts, presumably.

24 Q Who would you contact? You'd just email someone
25 in that group?

1 A Yes.

2 Q Okay, simple as that.

3 Do you know if in the batch that Mr. Kamimura came
4 with, were they all accounts in bankruptcy or no?

5 A I don't know.

6 Q Do you know if they were all charged-off accounts?

7 A I don't know.

8 (Deposition Exhibit 11 marked.)

9 BY MR. KIND:

10 Q Handing you Exhibit Number 11, is this another one
11 of -- this is another one of Green Tree's policies and
12 procedures, right?

13 A Yes, that's correct.

14 Q This one deals with the FCRA, or the Fair Credit
15 Reporting Act, right?

16 A Yes.

17 Q So at the bottom left it says publish date and
18 effective date. It says, "Effective - January 1, 2014."
19 Is there a way to see on this document when it -- when
20 this is effective until, or is it just until the next one
21 is published?

22 A Yeah, it's effective until the next one is
23 published.

24 Q So when employees or anyone goes onto that system
25 to see these policies and procedures, do they only get to

1 see the most recent one?

2 A Yes. They would get to see the policy in effect
3 as of today.

4 Q And then the old ones go into the archives
5 somewhere?

6 A That's correct.

7 Q So this is effective January 1, 2014. Do you
8 happen to know when the next one is?

9 A I don't.

10 Q All right. Page 2 of this exhibit it talks about
11 permissible purposes. So at least at the time, this was
12 Green Tree's policy of when to access a consumer credit
13 report, right?

14 MR. CRAM: I'm going to object on the basis that
15 your question is vague and ambiguous.

16 BY MR. KIND:

17 Q Do you know the answer to that question?

18 A Well, I -- this is -- as of January 1st, 2014,
19 this is the policy as relates to hard pulls of credit
20 reporting data.

21 Q How do you know that this relates to hard pulls?

22 A Those are the only ones that individual users
23 are -- are doing or conducting.

24 Q How do individual users access a consumer report,
25 which system?

1 A You know, there's a -- there's like a drop-down
2 request within UCS, the system that we talked about
3 previously. Presumably it uses some service that obtains
4 a credit report.

5 Q And that would be -- what do you mean when you say
6 hard credit pull?

7 A Well, as opposed to the soft pull refreshes that
8 we were talking about earlier. A hard pull is an access
9 of the consumer's credit report. Hard pull posts an
10 inquiry to the account that is -- that is something that
11 other users of the credit bureau data would be able to
12 see.

13 Q So one of the purposes listed here is reviewing a
14 customer's account in the process of collection. So for
15 reviewing customers' accounts, are you saying that Green
16 Tree actually pulls a hard credit pull for that?

17 A For purposes of collection efforts, we will
18 occasionally pull credit.

19 Q Pull the credit report, sure, but when they enter
20 the permissible purpose, would they put in there account
21 review?

22 A I don't believe that it asks -- or would they put
23 account review. I don't know about that.

24 Q Who would know more information about what that
25 system looks like?

1 A I mean, I've used it before. I -- it asks do you
2 have a permissible purpose, and you say yes, and then it
3 gives you a credit report.

4 Q And as far as you remember, it doesn't ask you
5 what your permissible purpose is?

6 A I don't recall that, no.

7 Q And that would be on the -- on which system was
8 that?

9 A It's UCS, which is the collection system.

10 Q Do you think it would be very difficult to get a
11 screen shot of what that screens looks like when you're
12 going in to access a consumer's report?

13 A I don't think that it would be difficult.

14 Q Would you be surprised to know that when Green
15 Tree pulls consumer information for the purpose of
16 reviewing an account, an existing loan for collection or
17 for location information, that it's actually a soft
18 credit pull, not a hard credit pull? Would you be
19 surprised to know that?

20 A I'm -- I'm not surprised. I mean, I don't know
21 what -- I'm not sure what you're wanting.

22 Q Okay. Well, I guess you were trying to
23 distinguish and say, oh, this is for hard credit pulls,
24 this isn't for soft credit pulls, so let's step back.

25 What do you -- what would you say a hard credit

1 pull is as opposed to a soft credit pull?

2 A It leaves a record that we were there looking at
3 the credit report.

4 Q And that -- as far as you know, that's generally
5 if you go to buy a new car or you apply for a credit
6 card, it will show up on that to everyone that can see
7 the credit report?

8 A That's correct.

9 Q But if it's behind the scenes and it's an account
10 review or something like that, that would be considered a
11 soft pull, and it doesn't show up on the main credit
12 report that other people can see. Is that your
13 understanding?

14 A A soft pull does not show up that other people can
15 see.

16 Q Now, are you sure that when you go into UCS and do
17 the pull-down and check consumer's credit report, are you
18 sure that that's soft versus hard, or you just don't
19 know?

20 A Well, I mean, it gives -- it gives us a full
21 credit report when we do that, which looks the same as
22 the credit report that you pull when someone's requesting
23 a new loan.

24 Q So what you get back looks like a full credit
25 report. But that doesn't necessarily tell you whether

1 that ends up to be a hard credit pull, meaning that third
2 party could see it if they access?

3 A Well, I guess I'd have to go back and pull it
4 again and look and see if our inquiry is there.

5 Q Would that be a permissible purpose?

6 A I don't know why I would do that.

7 Q No. That's a joke. But -- so you don't know. Is
8 that fair to say, you're not sure?

9 A I know that I see inquiries on credit reports from
10 others that are attempting to collect from consumers.

11 Q Have you seen it on -- have you seen Green Tree?

12 A At some point in history, I'm sure that I have,
13 but I've been pulling credit reports for over 20 years.

14 Q I understand it. I just want to lock it in. Are
15 you saying that on that USC system, that's definitely a
16 hard credit pull and not a soft credit pull, or are you
17 saying you're just not sure?

18 A It definitely, I believe, could be, and that's
19 what this policy addresses, is the accessing of credit
20 reports by individuals versus the refresh that we were
21 talking about previously.

22 Q Understood. But just one more time.

23 So this is related to the individual pulls,
24 understood. But as far as whether that is a hard pull or
25 soft pull, we can leave that you're just not sure at this

1 point?

2 A As far as I know, it's hard. I have no reason to
3 believe it wouldn't be.

4 Q Do you have any reason to believe that it is a
5 hard credit pull?

6 A I always thought that it was.

7 Q So that was my question before. Would you be
8 surprised to learn that this reviewing customer's account
9 is actually a soft credit pull and it doesn't show up?

10 A You say reviewing a customer's account. I -- what
11 do you mean by that?

12 Q Okay, so on Exhibit 10 --

13 A Because I believe that you're referring to -- I
14 believe that you're referring to something in the credit
15 report on this account review because you distinguished
16 that from some marketing or something earlier.

17 This is talking about our account, reviewing our
18 account. So when we're reviewing our account in the
19 process of collections, we have permissible purpose to
20 pull credit.

21 Q Right. And you think that when that does happen,
22 and that is a permissible purpose, and when a user goes
23 in and pulls it, you think that's a hard credit pull?

24 A I think so.

25 Q Okay. And what is that belief based on? Who told

1 you that?

2 A It's based on, again, all of the credit reports
3 that I've looked at through the years that have -- that
4 show -- that show inquiries for collection purposes.

5 Q Okay. Where in this exhibit do you see that this
6 relates only to individual pulls as opposed to batch
7 credit pulls?

8 A Well, I mean, this exhibit is a policy manual
9 which, by its nature, is written for individuals to refer
10 to.

11 Q Wouldn't this policy and procedure apply to all
12 people working for Green Tree?

13 A It would apply to all people working for Green
14 Tree that are -- that are accessing credit reports.

15 Q Sure. But if this applied to someone in the
16 systems group, wouldn't they also have to follow this
17 procedure if it applied to them?

18 A I believe if for -- I can't imagine that anybody
19 in the systems group would need to pull someone's
20 individual credit report. But if they did, the policy
21 would apply to them.

22 Q Okay. But again, it doesn't say here anywhere
23 that this is limited to individual, this is just the
24 general policy on pulling consumers' reports, right?

25 A Again, my statement is that policies are written

1 for individual users, and the activity that individual
2 users take in regards to credit bureau reports are
3 pulling of individual reports rather than a batch
4 refresh.

5 Q Okay. Fine. So if this policy and procedure only
6 applies to individual pulls and not to batch credit
7 pulls, is there a separate policy and procedure that
8 applies to batch credit pulls?

9 A No. I mean, you wouldn't -- anything like that --
10 no, there's no policy and procedure related to that.

11 Q So do you know why not?

12 A I don't know why there would be.

13 Q On the page 3, at the top, "Authority to Pull
14 CBRs," and then it refers to authorized representatives
15 could pull new CBR on these customers. Do you know what
16 it means when it talks about authorized representatives?

17 A I mean, it means employees who are authorized to
18 conduct these activities, I would assume. I mean, I
19 assume that there are -- there are -- there are people in
20 certain positions that would have no -- no need to be
21 accessing credit reports so I don't know, perhaps they
22 have that blocked or something. I don't know.

23 Q Do you know what skip tracing means?

24 A I do.

25 Q What is that?

1 A It's efforts to obtain location information on a
2 customer.

3 Q And equity analysis?

4 A That would be an attempt to determine the value of
5 the loan or the collateral behind the loan.

6 Q And Green Tree accesses people's individual credit
7 report for that reason sometimes?

8 A Yes.

9 Q Just a note, I guess, underneath over here it
10 says, "CBR Request Violation. Requesting a credit report
11 on any person without permissible purpose is strictly
12 prohibited by Green Tree."

13 So that's very clear that you need a permissible
14 purpose, right?

15 A Yes, that's what it states is that requesting a
16 credit report on a person without permissible purpose is
17 strictly prohibited. I mean, I think it speaks for
18 itself.

19 Q It does. So going back to what you said before
20 for the batch credit pulls, you said you don't even see
21 why you would need a policy and procedure. Can you
22 explain how this relates to what you said then?

23 A The reason I said you wouldn't need a policy or
24 procedure is that I think policy and procedure is
25 something that you need for repeated actions. So writing

1 code to do something is a one-time thing.

2 If I -- if I needed to do something that's not
3 addressed with a policy one time, you know, I may speak
4 to my attorney and say, can I go do this, and they would
5 give me legal advice and say sure, you can or can't.

6 But I wouldn't employ a policy writer to enter
7 some new section of policy on a go-forward basis based on
8 a one-time transaction, which is why I said that I didn't
9 see a need that there would be a need for a policy
10 related to that.

11 Q But it's not a one-time transaction, is it?
12 Because it automatically renews every month, right?

13 MR. CRAM: I'm going to object. I think that
14 misstates his testimony as far as on a monthly basis.

15 THE WITNESS: The -- the code that is written is a
16 one-time thing, and obviously the decision to write that
17 code would be informed by a belief in the ability to do
18 so. But the code is causing the refresh to happen, but
19 the writing of the code is a one-time thing.

20 BY MR. KIND:

21 Q How often is the -- does the refresh?

22 A It varies.

23 Q Uh-huh. Based on the type of account?

24 A Yeah, based on the type of account. You know,
25 I -- I think that, you know, we service accounts for a

1 lot of different companies, and I think that some of them
2 may dictate a different frequency than others.

3 Q Does somebody actually review the results that
4 come back from the batch?

5 A I think there is some sort of a review
6 occasionally, yes.

7 Q Occasionally, but not necessarily every single
8 time?

9 A I don't know if it's done every time or not.

10 Q Who can I talk to who's involved in the analysis
11 of the results from these batch uploads and downloads?

12 A Who can you talk to? What's the question that I
13 can't -- that you're asking me?

14 Q The question is Green Tree uploads this batch
15 information automatically. It gets a lot of information
16 back from TransUnion. Who's sitting there and saying,
17 all right, here's the information we got back, this is
18 what we should do with these accounts or something?

19 A Well, I mean it -- the information is going to
20 where it needs to be to be used.

21 Q So where is that? Who is the end user? Who's
22 looking at it?

23 A Well, I mean, it's going into -- there's a data
24 analysis group that does, you know, different types of
25 modeling based on determining the value of the portfolio,

1 determining whether or not we need to be collecting on
2 accounts and when. There's a scoring model that is --
3 each, you know, account is given some sort of score that
4 determines if and when we should be collecting on it.

5 MR. KIND: Can we take a five-minute break?

6 MR. CRAM: Sure. Off the record.

7 (Recess.)

8 MR. KIND: Back on the record.

9 BY MR. KIND:

10 Q So before the break, we were talking about who the
11 people are that actually review the information that
12 comes back from the refreshes. So is there a group, the
13 data analysis group, that's a specific group?

14 A I'm not sure what they call it. I know there's a
15 group that does something with data. I'm not sure what
16 the exact name of that department is.

17 Q And you think that group is probably looking at
18 this stuff?

19 A I think they're using -- I know that they are
20 using it for things like scoring models.

21 Q In preparing for today's deposition, did you come
22 across anything that would suggest that anyone actually
23 looked at Mr. Kamimura's credit reports that came back
24 from TransUnion?

25 A Oh, I don't think that -- I don't think that this

1 refresh data -- I mean, it's not coming back in the form
2 of a report. It's data that is being used for larger
3 picture things. So no, I don't believe that -- first of
4 all, there was -- I don't believe that there was a report
5 associated with this account, and I don't -- I don't
6 think that there was an individual review of that data at
7 the time that it was -- that it was obtained.

8 Q For any of the times that it was obtained?

9 A Correct.

10 (Deposition Exhibit 12 marked.)

11 BY MR. KIND:

12 Q I'm handing you Exhibit Number 12. And this is
13 another one of Green Tree's policies and procedures,
14 right?

15 A Yes.

16 Q And this one is published April 29, 2016,
17 effective May 1, 2016, right?

18 A Yes, that's correct.

19 Q On page 3, there is a warning, middle of the page,
20 "A CBR may never be requested for the following," right?

21 A I see it.

22 Q Now, this section, did you see this in any
23 previous versions, or is this new from the 2016
24 version?

25 A I believe the underlining, I believe, indicates

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1 policy revisions. So the portions that are underlined
2 should be new to this policy.

3 Q Okay. So any time there's a word underlined,
4 that's new to this policy?

5 A That's generally the rule with the policies.

6 Q So then "A CBR may never be requested for the
7 following," and then one listed here, "Customer whose
8 debt was discharged in bankruptcy and the collateral is
9 no longer secured." So do you know why that was added in
10 2016?

11 A Stuff gets added all the time.

12 Q Could this have been in response to Mr. Kamimura's
13 lawsuit?

14 A It's possible. I mean, I don't know the details
15 of the policy adjustments.

16 Q Even though this particular language was not in
17 the previous versions of the policies and procedures, is
18 it fair to say that this was still Green Tree's policy
19 before, but it just wasn't written down?

20 A Yes. I believe that it was being practiced, but
21 not necessarily documented as part of the policy.

22 Q And that's because there would be no permissible
23 purpose in such a situation, right?

24 A Yes. Yes, that's correct.

25 Q So maybe let's just cut to it. I get that what

1 you're saying before, you don't believe that the
2 information gotten from TransUnion was a credit report.
3 But if it was a credit report, would you agree with me
4 that there was no permissible purpose for that
5 information?

6 A I -- you know, I think permissible purpose, I mean
7 it's certainly a -- seems like a legal term. So, I mean,
8 I wouldn't want to interpret, you know, what -- I mean, I
9 think I know what permissible purpose is for a user who
10 is accessing credit reports. But, I mean, I wouldn't
11 want to interpret what is and isn't permissible regarding
12 these soft pull refreshes.

13 Q I appreciate what you're saying, but I'm not
14 asking you for the legal definition, I'm asking
15 permissible purpose as defined by your company's
16 policies.

17 So Green Tree has some policies. We've been
18 through them. There are sometimes when there's a
19 permissible purpose, and sometimes when it's not. So
20 based on everything we've reviewed now, on the dates that
21 Green Tree accessed Mr. Kamimura's information from
22 TransUnion, assuming those were credit reports, did Green
23 Tree have a permissible purpose?

24 MR. CRAM: I'm going to object, asked and
25 answered, and it calls for a legal conclusion.

1 You can respond.

2 THE WITNESS: I don't think that they were credit
3 reports. If what you're asking is -- if what you're
4 asking is if I were a user --

5 MR. CRAM: Before you answer, I'm just going to
6 also object it's based on speculation. I mean, these
7 weren't credit reports, they were soft pulls.

8 So you can answer.

9 THE WITNESS: Yes. Understanding that this is
10 speculative, if an individual were pulling credit
11 reports, I can see -- I see no reason that we would have
12 done so, to actually pull a credit report.

13 BY MR. KIND:

14 Q I'm going to go back to --

15 A Mine are all marked.

16 Q It's actually the next one.

17 MR. CRAM: Okay.

18 (Deposition Exhibit 13 marked.)

19 BY MR. KIND:

20 Q I'm handing you Exhibit 13. This is Green Tree's
21 responses to plaintiff's interrogatories; is that
22 right?

23 A Yes, that's correct.

24 Q Okay. So let's go to -- let's just -- I have a
25 couple of questions about these. So just skip to number

1 13 for now. It's on page 12.

2 A Okay.

3 Q And in this response, Ditech responds with
4 objections, but "Ditech performed account reviews of
5 Plaintiff's account on or about June 11, 2014, September
6 3, 2014, and December 19, 2014"; is that right?

7 A Yes, I see that.

8 Q So let's just ask the question.

9 Based on the policies and procedures that we just
10 went through, would it be proper for Green Tree to have
11 accessed Kamimura's credit report, actual credit report,
12 on June 11, 2014?

13 A I mean, I don't --

14 MR. CRAM: Calls for a legal conclusion, is
15 speculative.

16 THE WITNESS: And I don't know. I mean, it's -- I
17 don't know that there would have been a reason. I mean,
18 I've seen -- nothing from what we have reviewed about
19 this account leads me to believe that we would have
20 pulled a credit report on those dates, but I can't say
21 that I know for sure what was happening on that specific
22 day.

23 BY MR. KIND:

24 Q Well, I'm not asking if you pulled a credit report
25 on that day. The question is --

1 A No, I think I understand the question.

2 Q I think you do as well. But I don't think you
3 answered the question.

4 A Well, because -- I mean, I think the question --

5 MR. CRAM: I think you already answered the
6 question.

7 THE WITNESS: Yeah, I think I did. It's very
8 speculative, and I'm saying that it's impossible for me
9 to say what exactly was going on on a given date.

10 BY MR. KIND:

11 Q Okay. Well, that's what we're going to have to
12 get to today. We're going to have to answer this
13 question one way or the other. What I'm not trying to do
14 is trying to get words put in your mouth. I'm absolutely
15 not, so let's make it very clear.

16 I totally understand that you don't think that
17 whatever was pulled on these dates were consumer reports
18 under the law. I understand that that's what you're
19 saying, and I don't think it matters either way if we
20 agree or not.

21 A Okay.

22 Q Although we don't agree.

23 I want to put that aside for now, because that's
24 an issue that we'll brief between me and your attorneys,
25 and that will get resolved later, whether or not it's a

1 credit report.

2 What I'm trying to get to is on these dates, if
3 there is any reason under the policies and procedures
4 that Green Tree has to access a credit report on those
5 dates. So I'm not putting words in your mouth, but we do
6 want to know on these specific dates, what's happening
7 here.

8 So the question is actually very simple. On June
9 11, 2014, do you know if there's any reason and what that
10 reason is, why Green Tree would need Mr. Kamimura's
11 credit report?

12 A I know of no reason that we would need a credit
13 report, a hard pull credit report on June 11, 2014.

14 Q And by hard pull, whatever that might mean, you
15 just mean a full credit report?

16 A As opposed to the soft pull refresh that we've
17 spoken about earlier.

18 Q Okay. Do you have any -- do you know any reason
19 why on June 11, 2014, Green Tree would need the
20 information contained in a soft pull, quote/unquote,
21 refresh?

22 A You know, the soft pulls, the refreshes, they
23 inform -- you know, there's information in there that
24 informs some portfolio evaluation things. You know,
25 again, it falls into some scoring models, so it -- the

1 account was not -- well, I mean that's all I can say
2 about that.

3 Q That's fine. So it sounds like the only reason
4 why, on June 11, 2014, Ditech needed Mr. Kamimura's
5 information, whatever it was, would be for some general
6 scoring models review. If that's the response, that's
7 fine.

8 But do you know if Green Tree actually did that,
9 if they actually reviewed it to make sure the scoring
10 models looked good or something?

11 A I don't think that -- I don't think that there's a
12 review of the data that is coming in on these soft pull
13 refreshes. It's not coming in the form of a report that
14 someone is sitting on the other end looking at a report.
15 It's data that goes into a bigger picture automated
16 thing.

17 So I would expect that -- I mean, there may have
18 been some sort of, you know, automated scoring model that
19 took place on this account based on that data. But there
20 was no person, you know, sitting on the other side of it
21 actually looking at the data, I don't think.

22 Q You said bigger picture automated thing that
23 happened. It sounds very vague to me. It sounds like
24 you think probably that this information was used by
25 Green Tree because why else would they get it. You think

1 that's probably the case, but you're not telling me that
2 that is actually what happened.

3 A So there is -- the -- our accounts are given,
4 they're part of the scoring model, there are scores
5 assigned to accounts. I can pull up an account, and you
6 can see that it's part of some -- some score band that
7 determines if and when collection activities take place
8 on an account.

9 These credit refreshes are information that is
10 used to determine that. So that's the kind of thing that
11 this information was used for. It was not in a user
12 report that someone looked at.

13 Q You obviously prepared for this deposition, right?

14 A Yes.

15 Q We spoke about that before. This case is about
16 Mr. Kamimura saying Green Tree, you, did not have any
17 reason to look at my consumer reports, right?

18 A Yes.

19 Q That's what the case is about. And I'm asking you
20 in a few different ways, so on June 11, 2014, on this
21 date, what exactly were they getting this information
22 for? And it's big picture stuff and words about codes
23 and coding.

24 Bottom line is, do you really know what Green Tree
25 used this information for?

1 A Yes.

2 Q So what did they use this information for?

3 A Well, there are -- you know, you use -- the data
4 was put into -- it was put into GTA where an historical
5 record of the data is there, and it is used as part of
6 scoring models. They do data mining to look at trends of
7 delinquencies of accounts, large groups of accounts, not
8 individual -- not individual people. So it's part of
9 that large analysis of portfolios that we do.

10 Q If Mr. Green Tree -- if Mr. Kamimura's information
11 was not included in the June 11, 2014 pull, would that
12 have made any difference to Green Tree's overall scoring
13 system or big picture automated thing?

14 A Obviously when looking at massive amounts of data,
15 small portions or individual pieces don't make a big
16 difference. But the individual pieces certainly make up
17 the whole.

18 Q On the pull for June 11, 2014, how many accounts
19 were included besides for Mr. Kamimura?

20 A I don't know the exact number, but I would say
21 it's probably in the hundreds of thousands.

22 Q And it included for all -- was it together with
23 all the other accounts for the entire Green Tree?

24 A No.

25 Q How many total accounts does Green Tree have?

1 A I don't know the exact number. It's certainly
2 hundreds of thousands or a million. I don't know the
3 exact number.

4 Q Do you think it's over one million?

5 A It wouldn't surprise me if it is, or slightly
6 under, but --

7 Q Do you have any idea about how many accounts Green
8 Tree has that are included in a bankruptcy in some way?

9 A I don't know.

10 Q But that information we discussed before, we'd be
11 able to access that through the different software,
12 right?

13 A We have records of bankrupt accounts.

14 Q On these batch uploads to TransUnion, do you know
15 what information gets put -- gets sent to TransUnion? Is
16 it like a name and Social Security number or something
17 like that?

18 A Oh, it's something like that. I don't know
19 exactly what data we send to them, but it's identifying
20 data to indicate which -- which accounts we want
21 information on.

22 Q Do you know if that request uploaded to TransUnion
23 is saved or stored somewhere?

24 A I don't know.

25 Q Who would know that?

1 A Perhaps one of the programmers that does the --
2 the actual work.

3 Q If you were back in your office, like we did
4 before, if you're back in your office and you wanted to
5 find that out, who would you --

6 A I could send an email to someone.

7 Q Who would you send the email to?

8 A I'm not sure. I'd probably have to start emailing
9 around and get the exact name of the person.

10 Q But you don't think it would be too difficult to
11 figure out who would have that information?

12 A No.

13 Q What about the information that comes back from
14 TransUnion? You mentioned before it was a text file. Is
15 it an actual text file? Do you know if it's a
16 spreadsheet or something like that?

17 A No, it's not a spreadsheet.

18 Q All right. It's a text file?

19 A Yes.

20 Q Do you know what kind of text file it is?

21 A I don't know exactly. It's some sort of a text
22 file that has massive amounts of data, and that data goes
23 to a table within GTA.

24 Q Is that table in GTA, is that printable?

25 A I doubt it.

1 Q Because of the size?

2 A Because of the size and the format. I mean, a --
3 again, I'm -- I'm not a -- I'm not a computer programmer.
4 But when I say table, so there's a -- for each piece of
5 customer data, there's a spot where that goes. So -- so
6 there's a spot for customer last names, that's a table
7 that houses customer last names.

8 So these massive data files come in and they go to
9 the place within GTA where that particular piece of data
10 belongs for that account. But only certain pieces of
11 information are things that are sort of viewable to a
12 user.

13 So as a user, I can go to a customer account and
14 look at customer last names. That is something that is
15 given to me as a user.

16 The information that we're talking about here from
17 soft pull credit refreshes is not something that is in a
18 user friendly format. It's something that goes into a
19 table out there on a database, and is then there for use
20 in the scoring models and things like that. It's coded
21 for that.

22 Q So the text file, is that something that could be
23 produced, printed out?

24 A I have no idea if that's in a printable format.
25 Presumably data that is in text files can be converted

1 into some sort of a format that could be printed,
2 although I don't know that it would be something that we
3 could look at and know what it means.

4 Q Understood. But it's somewhere -- so it's seen
5 somewhere on Green Tree's system, this text file, and you
6 agree it's probably able to download that onto some sort
7 of hard drive or something, depends on how large it is,
8 hard drive or flash drive or CD?

9 A Yes.

10 Q And then transferred? Is that possible to do?

11 A I believe so.

12 Q You don't know on which system for Green Tree that
13 text file is going to be saved? You don't know that
14 right now, right?

15 A Well, the data from the text file goes to -- goes
16 to GTA. That's where the data goes. I mean, the file
17 itself, you know, I'm not sure exactly where that goes.
18 On some hard drive somewhere.

19 Q But through an email or two, you should be able to
20 figure that out if you needed to?

21 A Yes.

22 Q So we're talking about account reviews in that
23 sense of big batch uploads. At what point normally does
24 Green Tree take a name off of that automatic batch
25 refresher?

1 A There are -- there are things that are coded as
2 exclusions to that process. There are -- so I mean -- if
3 it was determined that some population of accounts didn't
4 need to be part of that, then it would be written into
5 the code as something that needed to be excluded.

6 Q So let's say there's a consumer, they have an
7 account with Green Tree, they pay every month, and then
8 the account is closed. Is there some coding in there
9 that would drop this consumer from the automatic
10 refresher?

11 A On closed accounts? I don't know specifically
12 what the handling of closed accounts is.

13 Q So there could be accounts that were opened ten
14 years ago and closed nine years ago that are still being
15 refreshed every single however often it is?

16 A I have no reason to believe that's the case. I
17 told you I didn't know, not that I thought it was
18 happening.

19 Q Okay. Is there any policies and procedures about
20 this code or a list of these exceptions that you talked
21 about? Is that written out?

22 A Well, there's a change document that indicates the
23 accounts that are part of the population, and any time
24 there's a change made to the way that we're accessing
25 them, you know, those are documented through those change

1 documents.

2 Q What do you mean by change documents?

3 A Well, that's -- those are the documents that sort
4 of memorialize the way that the changes are made to the
5 soft pull credit refreshes.

6 Q To the coding?

7 A To some degree, yes.

8 Q So are these changes, are they also saved
9 somewhere that we can review them if we have to?

10 A The change documents?

11 Q Yes.

12 A You have them.

13 Q Are they titled "Change Documents"?

14 A I believe that's the title.

15 Q So -- all right. So we covered June 11, 2014.
16 The same would probably apply to September 3, 2014.

17 So how about December 19, 2014? So at that point,
18 this account was already sold or transferred off to
19 Specialized Loan Servicing. Do you know why
20 Mr. Kamimura's account was still on these refreshers?

21 A I -- I believe that -- I believe the way that it
22 works is the file that's sent to TransUnion is sent at
23 some point early in the month, and then they give us the
24 results later in the month. So it's not an instantaneous
25 process.

1 So if I remember correctly, that transfer of
2 service came, you know, maybe a week into December. So
3 what I would say is that it was still an active account
4 on our system at the time that the data -- that the
5 request was made to TransUnion.

6 Q And then from reviewing, you didn't see after
7 September -- December 2019 (sic) it was removed from the
8 refreshers, right?

9 A Yes, that's correct.

10 Q And how was it removed?

11 A Well, the account was moved.

12 Q So is it automatic through those change documents?

13 A As -- given that it was no longer an account that
14 we serviced, it was no longer picked up as part of the
15 sweep that picks up accounts that need to be refreshed.

16 Q Is that because Green Tree gets no benefit or use
17 from getting this information if Green Tree is no longer
18 servicing that account; is that right?

19 A I don't know. I don't know.

20 Q In other words, before you were talking about how
21 maybe getting this information can help with some scoring
22 system. But once an account is transferred away from
23 Green Tree, then that no longer is needed?

24 A We would no longer have a reason to score an
25 account.

1 Q Do you know the exact date when the December 19,
2 2014 pull, do you know the date that that was uploaded to
3 TransUnion or requested from TransUnion?

4 A I don't know the date that the request went, no.

5 Q So when you're saying before you think that that's
6 maybe because it was requested before the account was
7 transferred, you're not so sure about that?

8 A Well, you asked me why would we -- why we would
9 get the soft pull refresh -- the gist of your question
10 was why we would get this after the transfer of service,
11 and it's my understanding that there's a request that is
12 sent to TransUnion early in the month and -- or at some
13 point earlier, and then we receive that data at some
14 later time.

15 So I believe that we requested it prior -- prior
16 to that date. I don't know the exact date but, you know,
17 given that it's an automated request of accounts that are
18 active in our servicing system, I think that it's highly
19 likely that that request came prior to transfer of
20 service.

21 Q Highly likely. But did you confirm that with
22 anybody, that it was before the transfer?

23 A I do not know the date that it was requested.

24 Q But you're guessing it was probably before the
25 transfer, right?

1 A As an answer to your question of why we would
2 obtain it after the servicing transfer, my answer to that
3 is that it's not requested and received on the same day.
4 I know that.

5 Q Okay.

6 A So I'm saying that it was requested prior to that
7 date. So, I mean, that's my answer. But I don't know
8 the exact date.

9 Q But you know it was before December 8th?

10 A I don't know. I know it was before December
11 19th.

12 Q But it could have been December 18th or it could
13 have been December 10, right?

14 A It's conceivable.

15 Q So you didn't -- okay. We'll just leave that
16 there. So now let's go to interrogatory number 15 on the
17 next page.

18 So the response to interrogatory number 15, with
19 objection, says, "Ditech contends that it had a
20 permissible purpose" -- sorry.

21 "Ditech contends that it had a permissible
22 business purpose to access Plaintiff's account in
23 December 2014."

24 So what was that permissible business purpose in
25 December 2014?

1 MR. CRAM: I'm going to object, and it calls for a
2 legal conclusion.

3 You can answer if you know.

4 THE WITNESS: I don't know.

5 BY MR. KIND:

6 Q But before preparing today, you had discussed the
7 December 2014 pull with other people at Green Tree,
8 right?

9 A I mean, I've researched the account, yes.

10 Q You researched the account, you looked into the
11 December 2014 credit pull, you looked at all the
12 documents, and you just don't know what the permissible
13 business purpose would be?

14 A I just believe that -- I mean, it sort of feels
15 like this question is intended to interpret what the law
16 is and, I mean, I just don't think I'm qualified to do
17 that.

18 Q I'm not asking the law, I'm just asking your
19 opinion. Ditech's policies and procedures, we've been
20 through this, Ditech has a say on what it considers to be
21 a permissible purpose.

22 And based on that, I'm asking you what is -- what
23 is the permissible business purpose to access
24 Mr. Kamimura's account December 2014, if you know? If
25 you don't know, that's fine, too.

1 MR. CRAM: I'm going to object, calls for a legal
2 conclusion, calls for an opinion, and he's already
3 answered the question.

4 But you can answer the question again if you want.

5 THE WITNESS: I don't know.

6 BY MR. KIND:

7 Q Who would know?

8 A The -- as previously discussed, soft pull
9 refreshes are an automated procedure that is done based
10 on programming that was done based on a set of accounts
11 where Ditech has a reason to access soft pull refreshes.

12 So I don't think that there's going to be an
13 individual at Ditech that has a different answer than the
14 one that I have.

15 Q But your answer is you don't know.

16 A I don't know based on coming to a legal
17 conclusion. I do know why we performed credit refreshes
18 on this account. We discussed that at great length.

19 Q And to be clear, again, I'm not asking you to make
20 a legal determination about the term "permissible
21 purpose," and we can use a different word if you'd like.
22 It doesn't matter.

23 The point is, we went through all the policies and
24 procedures Ditech has, proper reasons or appropriate
25 causes to pull someone's consumer report. We've been

1 through that.

2 So whatever it might be, the question I'm asking
3 in the end is what was the reason why Green Tree
4 accessed -- well, actually the question is, what would be
5 a good reason for Green Tree to access Mr. Kamimura's
6 account in December 2014?

7 MR. CRAM: And I'm going to object, calls for a
8 legal conclusion, calls for an opinion, and he's answered
9 the question.

10 Go ahead.

11 THE WITNESS: I don't know.

12 BY MR. KIND:

13 Q So who would know that? Who would be able to go
14 and find that information about what that good reason
15 would be?

16 A I don't know.

17 Q If you go to page 14, this is signed by Christy
18 Christensen. Do you know who that is?

19 A Yes.

20 Q Who is that?

21 A She is a co-worker of mine.

22 Q So looks like she read all these interrogatories
23 and she knows what's going on about these. Do you think
24 that's true, that's fair to say?

25 A She certainly signed off on the responses.

1 Q So maybe she would know the answer to that
2 question, huh?

3 A I mean I -- Christy is not going to know anything
4 different than what I know. There's an answer to the
5 question in the interrogatory, so she signed off on the
6 answer that is here, so there's an answer here.

7 Q What's her position, Christy Christensen?

8 A It's the same as mine.

9 Q Did Green Tree have any -- was Green Tree, in
10 December 2014, trying to collect any money from
11 Mr. Kamimura?

12 A I don't believe that we ever tried to collect any
13 money from Mr. Kamimura.

14 Q Was Green Tree trying to find his address at any
15 time in December 2014?

16 A I don't know.

17 Q Do you know if in -- on December 19, 2014, was
18 Green Tree trying to review Mr. Kamimura's account to see
19 if he's complying with certain terms?

20 A I don't know.

21 Q Who would know that information?

22 A There's no record of that.

23 Q So there's no record that they were trying to
24 collect or to review his personal account, right?

25 A That's correct.

1 Q On December 12, 2014, Green Tree also didn't have
2 any reason to look into his account in that big picture
3 way that we discussed before, right?

4 MR. CRAM: I'm going to object on the date. You
5 said December 12.

6 MR. KIND: December 19, 2014. Let me just reask
7 that question.

8 BY MR. KIND:

9 Q Green Tree was also not interested in
10 Mr. Kamimura's account on December 19, 2014, in
11 connection with a scoring plan or scheme, right?

12 A I don't believe that we would have needed to score
13 his account on that date.

14 Q I think we've already gone through this, but I
15 just want to clarify.

16 The system used to upload these batch reports to
17 TransUnion, that's coding done by someone at Green Tree?
18 That's not a specific software, is it?

19 A Right. What I believe happens is that -- I
20 believe that there's coding done within GTA that informs
21 this process, that tells the system to perform this sort
22 of batch transaction. So there's no -- there's not --
23 there's not like some software out there that somebody
24 has written to, you know, do like a drop-down box or
25 something.

1 Q But wouldn't even the coding for Green Tree's
2 software, wouldn't that have to connect to TransUnion in
3 some way? Do you have any information about what happens
4 on TransUnion's end?

5 A I believe we transmit a file to them.

6 Q To what system on their end?

7 A I don't know what kind of system TransUnion has.

8 Q Did you ask anyone that question before?

9 A I did not.

10 Q And again, we don't really know exactly the person
11 to speak to about who at Green Tree deals with this, of
12 connecting it to TransUnion and making sure the coding is
13 right?

14 A I don't know -- I don't know for sure that anyone
15 at Green Tree would know, or Ditech, would know anything
16 about what exactly TransUnion has on their end. I
17 believe that all of these exchanges between us and
18 TransUnion and TransUnion back to us are coming in the
19 form of text files, that we take the data in that text
20 file and we put it into our system.

21 And I believe that it's the same on their end. I
22 believe that we send them a text file, and they take the
23 information within that text file, a string of data, and
24 they put it into their system.

25 Q But you're not sure of the name of the website or

1 the name of the software that connects Green Tree to
2 TransUnion?

3 A I don't know what connects them, no. There's just
4 a transmission of a text file.

5 Q Well, there's got to be something, either a
6 website, I guess, uploaded to or something.

7 A I don't know.

8 Q Who would know that?

9 A I don't know.

10 Q But you think you could find out if you had to?

11 A Probably.

12 Q Do you think it would be very difficult to figure
13 that out?

14 A I don't think so.

15 Q Did you discuss that issue with anybody before
16 today, specifically about the name of the software that
17 is used to transmit to TransUnion and then transmit back
18 to Green Tree?

19 A I did not.

20 Q Do you know, as of today, if accounts that have
21 been discharged in bankruptcy with no collateral
22 remaining, are those still being included in these batch
23 refreshers?

24 A There are -- there are a number of different
25 bankruptcy codes that reflect different -- sort of

1 different stages of bankruptcy. And some of those
2 bankruptcy codes are excluded from the refresh, and I
3 believe always have been. So -- but I don't -- I can't
4 recite to you all of the different codes that there are.

5 Q But those documents were produced? Those are the
6 change documents?

7 A Yes. I believe that should be within those
8 documents.

9 (Deposition Exhibit 14 marked.)

10 BY MR. KIND:

11 Q This is Exhibit 14. Do you recognize Exhibit 14?

12 A I mean, it appears to be a credit report. I don't
13 recognize it as something I've seen before.

14 Q And it's got a lot of redactions on here. But
15 you've never seen this actual one before?

16 A I don't recall ever looking at it before, no.

17 Q The reason why I wanted to talk about this is
18 because this is -- well, first off, besides for the
19 redactions, if it's possible, is this kind of the form
20 that you would get for individual credit reports that we
21 talked about before?

22 A I mean, it's certainly similar. You know, I --
23 throughout the years, I've looked at credit reports
24 through a variety of different providers, types of
25 software. They all look a little bit different. I don't

1 recall ever seeing one exactly like this, but it's
2 certainly a similar format.

3 Q So going to page 6 of 7, the pages are on the top.

4 A Okay.

5 Q So these are promotional inquiries that I had
6 mentioned before, you maybe were confused about or not,
7 but under promotional inquiries over here, it does come
8 up as Green Tree requesting for promotional reasons on
9 December 5th, 2014, and June 7th, 2014. So I wanted to
10 ask you if you knew anything about that.

11 MR. CRAM: Hang on. Where does it say June?

12 BY MR. KIND:

13 Q June 7, 2014?

14 A I see it.

15 MR. CRAM: Oh, you mean up here? I'm sorry.

16 MR. KIND: Yes, under the "Promotional Inquiries"
17 section.

18 MR. CRAM: I'm going to object because this
19 document, you haven't really authenticated what this
20 document represents.

21 BY MR. KIND:

22 Q I'll tell you, this is Mr. Kamimura's TransUnion
23 credit report. On the first page over here it has his
24 name and his information.

25 Do you have any reason to think that's not the

1 case?

2 A I have no reason to think that.

3 Q And then also from the dates that we had
4 discussed -- let's try that again.

5 So maybe it wasn't a good idea so redact it so
6 heavily, so that way you could kind of see a little
7 better, but -- and maybe we could discuss that and we
8 could produce an unredacted one later.

9 But this says "Promotional Inquiries," and down
10 below there's account inquiries, and the redacted parts
11 is other companies. And then Green Tree Services is on
12 December 5, 2014; June 7, 2014.

13 Do you know anything about these credit pulls?

14 A About which ones?

15 Q The promotional inquiries on December 5th and June
16 7th.

17 A The -- so, I mean, what I can tell you is that
18 this -- on our end, all of the -- all of the soft pulls
19 were part of the same refresh process. So I don't
20 know -- I don't know why TransUnion has labeled them as
21 promotional versus account review. I'm not sure how that
22 happens, but all of the soft pulls that we did were part
23 of the same -- the same batch process.

24 Q So do you believe that on December 5th, 2014, and
25 June 7, 2014, that these were actually -- probably should

1 have been account review, and that these were part of the
2 batch account review?

3 A Again, I don't -- I don't know. They certainly
4 were part of the same -- of the same process. I mean,
5 it's on this three-month cycle, and we've got June,
6 September, December. And in my review of the account,
7 you know, I know when we -- when we did the soft pulls.
8 So I believe that all that we did were part of the same
9 process.

10 Again, I don't know how they handle it on their
11 end. I mean, they've opted to label it promotional
12 versus account review. I don't know what goes into that,
13 but certainly on our end, it was part of the same
14 process.

15 Q So the June and -- so that was part of a batch
16 upload, June 7th?

17 A Yes. These are part of the same -- of the same
18 process.

19 Q Of the batch upload that we've been discussing?

20 A Yes, that's correct.

21 Q Do you know if Green Tree does promotional
22 inquiries ever?

23 A I don't know. That's not something I looked into
24 as part of this.

25 Q By that I mean -- let's say they'll look at

1 someone's credit and say you've been preapproved for a
2 loan modification, or something like that? Is that maybe
3 promotional?

4 A Well, I don't -- I don't think that loan mods are
5 handled that way. That's not the best example. I think
6 I know what you mean by promotional. We all get credit
7 card offers in the mail, things like that, and I don't
8 know.

9 I mean, I just looked at what we're doing in
10 servicing and the transactions that pertain to this
11 particular account, and it was all part of the same batch
12 process.

13 Q Okay.

14 (Deposition Exhibit 15 marked.)

15 BY MR. KIND:

16 Q I'm going to hand you here Exhibit 15. So what is
17 Exhibit 15?

18 A This is a -- this is a spreadsheet that was
19 prepared, I believe, for you that contains the data that
20 was part of the text files that we've talked about
21 before. This is the data that we obtained from
22 TransUnion on Mr. Kamimura on the soft pull refreshes.

23 Q Were there other ones before this?

24 A This is it.

25 Q So let's just pull up the previous exhibit again.

1 On that one, we had those dates that don't look like
2 they're on here. So it's December 5th --

3 MR. CRAM: You're looking at Exhibit 14?

4 MR. KIND: That's right. The promotional entry
5 ones.

6 BY MR. KIND:

7 Q So it would be June 7, 2014, and December 5th, and
8 I don't see that those are listed on here as a batch
9 upload date.

10 A Which one are you talking about?

11 Q Let's start with June 7, 2014. Do you see that on
12 here?

13 A I do see June 7, 2014.

14 Q Which one is that?

15 A Where are you asking me?

16 Q Back to Exhibit Number 15.

17 MR. CRAM: So you're right. You're pointing out
18 that the dates don't exactly match up with the dates.

19 THE WITNESS: Okay. So you're saying December 7th
20 here, and you're asking me if I see that -- or I'm sorry,
21 June 7th here, and you're asking me if I see that here
22 (indicating)?

23 BY MR. KIND:

24 Q Yes.

25 A I do not.

1 Q Before you were saying that the promotional
2 inquiries were probably just a batch upload, but these
3 are the batch uploads on Exhibit 15, and it doesn't look
4 like it was a batch upload for that date.

5 A So I don't work for TransUnion. I can't speak to
6 the TransUnion document, other than what it says. And
7 what it says is requested on a certain date.

8 And as I mentioned to you earlier, we request on
9 one date, and we receive on a different date. So what --
10 when I saw this report, the first thing that jumped out
11 to me was that the December of 2014 was requested on
12 December 5th of 2014, which would support my earlier
13 assumption that we had requested it prior to December
14 19th, or whatever that date was when we actually or --
15 yeah, December 19th. This is it right here. So --

16 Q But you're not sure about that. This is a
17 TransUnion document.

18 A This is a TransUnion document. But the way I read
19 it, this shows requested date, this shows when we got the
20 information.

21 Q And what about before November 30, 2012? Were
22 there ever any credit pulls before then?

23 A These are all the -- that we have.

24 Q Do you know where this information was pulled
25 from? What document did this stuff come from?

1 A The text files that we talked about earlier.

2 Q So -- and this was prepared for me in this case?

3 A Right. Yeah, this is not a --

4 Q So someone -- do you know who prepared this?

5 A I'm not sure exactly who prepared it.

6 Q Okay. So someone did access those text files, got
7 them onto a computer, and got them into a searchable kind
8 of organized system here?

9 A Well, I don't think it's searchable. I mean,
10 understand the text files contains information for
11 hundreds of thousands of customers who don't have
12 anything to do with this.

13 Q Sure.

14 A So they accessed the -- they ran some sort of
15 query to pull out Mr. Kamimura's information that was
16 part of the text files on the refreshes in question, and
17 they put it into a spreadsheet so that they could print
18 it and we would give it to you.

19 Q And I appreciate that. We all appreciate that.

20 But I guess I would like to know who that was,
21 because it sounds like someone knows how to extract
22 information from those text files and knows where that
23 text file is. You said you're not sure where that is or
24 how to get that. It sounds like someone has it, right?

25 A Yes.

1 Q But you're just not sure who that is, right?

2 A I can't swear under oath who prepared this
3 document.

4 Q Okay.

5 (Deposition Exhibit 16 marked.)

6 BY MR. KIND:

7 Q I'm going to hand you here Exhibit 16. Is this
8 the change document you were talking about before?

9 A This appears to be one of them, yes.

10 (Deposition Exhibit 17 marked.)

11 BY MR. KIND:

12 Q Let's do 16 and 17 together. This is Exhibit 17.
13 And 17 is more of these, the same?

14 A Yes, that's correct.

15 Q Tell me generally what these are, 16 and 17.

16 A In general, these are the documents that -- that
17 outline which accounts are part of the soft pull
18 refreshes that we do.

19 Q Okay. And then this is kind of written more
20 simply, but then there's also coding that goes with this
21 on the back end, right?

22 A Yeah, that's correct. Some of the coding
23 information is included in here, but I think there may be
24 some more to it than what we see here.

25 Q Sure. So I had some questions about acronyms on

1 here. First off, is there a list somewhere where I could
2 find -- that could explain what RMS stands for, or CB?
3 Is there a list that you know of that has all that listed
4 out?

5 A I don't believe that -- I don't believe that
6 there's a list, per se.

7 Q So what is RMS?

8 A Well, I think in this context, it refers to the
9 recovery accounts.

10 Q What does that mean, recovery accounts?

11 A Those are charged-off accounts. So -- versus
12 active accounts that people are currently making payments
13 on.

14 Q What does CB stand for, CB refresh?

15 A Credit bureau.

16 Q Okay, that's simple. And SAS?

17 A SAS, I believe, is a -- it's some sort of data
18 software. Probably used for some sort of data mining.

19 Q And then under number 1, are these the exceptions
20 that you were talking about before, exclusions?

21 A Yes. These are -- these are a list of -- these
22 are the list of exclusions.

23 Q And there's "Accounts in Bankruptcy Status." So
24 those -- is this document trying to say that accounts in
25 bankruptcy status are excluded from the -- from the CB

1 refresh list?

2 A I mean, it's certainly -- there are certainly some
3 bankruptcy codes that are -- that are excluded, or that
4 were as of the time of this document. I mean -- you
5 know, again, this is a change document, so it changed
6 over time.

7 Q Sure. I think I covered with the exhibit sticker
8 the date on there.

9 MR. CRAM: No, it's at the top.

10 THE WITNESS: There's a date up here that says
11 '07 -- 5/24/07.

12 BY MR. KIND:

13 Q At the bottom right it says, "Created on March
14 22nd, 2017."

15 MR. CRAM: That's the form.

16 BY MR. KIND:

17 Q Do you know what that is?

18 A Yeah, I believe that that was probably when this
19 specific document was printed. I mean, if we look
20 through, you know, the next document has the same date.

21 Q Okay. All right.

22 So back to over here, number 1, accounts in
23 bankruptcy status, so it says here "This includes all
24 bankruptcy statuses." But you're saying that there are
25 some bankruptcy statuses that are excluded from the

1 refresh list; some are not?

2 A Well, again, like I said, this is a change
3 document. So at the time of this document, it appears to
4 say that all bankruptcy statuses are excluded.

5 Q All right. It might have changed later.

6 What does, quote/unquote, "dead accounts," what
7 does that mean?

8 A The -- those are accounts where, for some reason,
9 we wanted to make sure that there's no -- there's no
10 recovery activity. So if we -- if we made a decision on
11 an active account to charge off a balance for some
12 reason, let's -- litigation, for example, so it was
13 litigation and, you know, some customer is arguing that
14 their account should have been paid off and we showed
15 that it was \$4,000 short of payoff, and we decided, as
16 part of settlement of that litigation, that we would
17 charge off that \$4,000, we're not going to come back and
18 try to collect \$4,000 from them as a recovery account.
19 So that account would be dead-filed so as not to show up
20 in recovery.

21 Q Do those accounts get noted as deads on the
22 software system?

23 A Yeah, I think there's a notation. There's some
24 flag that it's dead-filed that shows that it is one where
25 there's been an active decision that it's not part of

1 recovery.

2 Q Do you know if Mr. Kamimura's account was ever
3 flagged that way, dead account?

4 A I have no reason to believe it was.

5 MR. KIND: Okay. Let's go off the record.

6 (Discussion off the record.)

7 MR. KIND: Back on the record.

8 BY MR. KIND:

9 Q So we're still on Exhibit Number 17. If you could
10 turn to Bates number 822. Do you know what -- under
11 "Current Process," it has an acronym DEPCBRFSHO. Do you
12 know what that means?

13 A No. I mean -- I know it's some of the coding.
14 It's the code that's used, but I don't know what it
15 means.

16 Q And how about MLPFHIST?

17 A The same. It's a -- it's part of the GTA code.

18 Q I guess the same for all the other codes like
19 that, the long ones?

20 A Yeah. I think all of that is coding jargon that I
21 don't know specifically what it is. It's -- it's the
22 names of the files that are being sent and received as
23 part of the refresh process.

24 Q Is there someone at Green Tree who would know that
25 information?

1 A Yeah, I'm sure.

2 Q I suppose Keith Livingood?

3 A I was going to say probably Keith Livingood. He's
4 the one that prepared that document, but he could be
5 retired to West Palm Beach.

6 Q So what is this document on Bates 122. Is this
7 Keith Livingood creating a proposal to change the
8 process or what?

9 A I don't think it's -- it's the change document.
10 It's the change that they're going to make. I mean, new
11 requirement will be -- so today when we get a credit
12 bureau refresh, we read that file, save the account
13 number in the FICO score fields, and create or update a
14 record in a different file.

15 The new requirements is to create a new table that
16 will hold all the data from that file, and the period
17 data that is written out to another file, they're going
18 to combine another project that's enhancement to add a
19 new field for the FICO score to the file.

20 So what I believe is happening here is this is the
21 change that was made to start retaining this data as part
22 of the GTA record.

23 Q And then also to change the intervals from four
24 months to every three months?

25 A I'm sorry, where are you looking for that?

1 Q Under "New Requirements," the second paragraph.

2 A Oh. Yes, that is correct.

3 Q Is that how it is done now?

4 A There are some -- there are certainly some
5 accounts that are three months. I mean, we could -- I
6 think these sort of documents, the changes over time and
7 one of the things that's changed over time is how often
8 these refreshes are done. At least at this point they
9 were doing it every four months and changing it to three,
10 but I think some of it's portfolio specific now.

11 Q Bates number 825.

12 Could you tell me what this is?

13 MR. CRAM: Okay.

14 THE WITNESS: It is a -- it's a similar -- it's a
15 similar document. It's just in a different format. It's
16 documenting a change that was -- that was made. Looks
17 like this is adding the SerVertis portfolio for a monthly
18 refresh.

19 BY MR. KIND:

20 Q What is SerVertis?

21 A It's the name of a portfolio.

22 Q Do you know if Mr. Kamimura's account was part of
23 that portfolio or not?

24 A It was not part of that portfolio.

25 Q What portfolio was it part of?

1 A It was part of a second lien mortgage portfolio.
2 I'm not sure exactly which pool of loans, but SerVertis
3 is something different that has nothing to do with this
4 account.

5 Q Do you know how many accounts were in
6 Mr. Kamimura's pool?

7 A I don't.

8 Q Is it over 100?

9 A I have no idea.

10 Q How would you be able to find that information if
11 you needed it?

12 A I'm not sure. Presumably I could do some research
13 and ask around.

14 Q Do you know if all the other accounts in his
15 portfolio were the same status; they were in bankruptcy
16 and charged off at the time that Green Tree received it?

17 A I don't know.

18 Q But you could ask around and find out if you had
19 to?

20 A Sure.

21 Q All right. And on Bates number 827, these look
22 like these are emails back and forth?

23 A Yes.

24 Q Do you know why these were produced in this
25 case?

1 A Well, the emails were changes to -- well, it's
2 sort of the back and forth regarding a change to the
3 credit bureau refresh. As far as why these particular
4 emails were produced, I'm not -- I'm not sure.

5 Q What is the status T?

6 A The -- so those draw status, that has to do
7 with -- it's talking about HELOCs. So each of these draw
8 statuses have to do with whether or not the customer is
9 able to continue to draw on their -- on their HELOC.

10 So draw status T, it might be terminated or
11 something like that, but I think it probably -- but it
12 certainly has to do with whether or not the customer had
13 the ability to draw on that line anymore.

14 Q Okay. So this was just a problem with refreshing,
15 but it's not necessarily related to Kamimura?

16 A Yeah, I mean, I can't say for sure what the
17 relevance here is.

18 Q Page 830, it looks like there's a request to
19 exclude bankruptcy accounts from refresh. Do you know
20 why that was?

21 A This is -- I think this is outlining which
22 bankruptcy codes are to be excluded.

23 Q So there is a system in place that specific
24 bankruptcy codes could be excluded, right?

25 A Yes.

1 Q And if Green Tree wanted to exclude all accounts
2 that were discharged in bankruptcy, let's say, they could
3 do that pretty simply?

4 A I think we could probably exclude any population
5 that we wanted to. I mean, I believe we could exclude
6 certain bankruptcy codes. There's a code that identifies
7 bankrupt accounts and what kind of bankruptcy it is, and
8 we can exclude based on that code. That's what this is
9 telling us.

10 Q And it could get very specific, so let's say it
11 would be a Chapter 13 discharge with no collateral.

12 A It is very specific. I don't know that that is
13 specifically one of the codes, but it -- they are
14 specific to circumstances, yes.

15 Q Bates number 834, do you know what this is?

16 A This is some -- well, it's part of an email
17 exchange regarding another change to the credit bureau
18 refresh.

19 MR. CRAM: I think that's part of the email on 833
20 as well.

21 THE WITNESS: Yeah, it's part of that exchange.

22 BY MR. KIND:

23 Q And this is just them showing what they did to
24 update the coding?

25 A Yeah. This appears to be the code that updated

1 this particular change.

2 Q Bates number 835, could you tell me what that is?

3 A It's a request -- it's another request to update
4 the soft pulls. This is actually -- looks like a request
5 specifically dealing with accounts located in Vermont.

6 Q So then on Bates number 841, there's a portion
7 here redacted. Do you know why it's redacted?

8 A I do not.

9 Q Do you know who redacted that?

10 A Typically attorneys redact, but I don't know which
11 one.

12 Q Do you know what would have been here?

13 A Presumably something that either didn't relate to
14 this account or contained some sort of private
15 information. You know, an example would be, you know,
16 awhile ago I had that screen shot of the code. There was
17 a screen shot in here that had information on a
18 particular customer. That would be something that would
19 be redacted.

20 Q On Bates number 852, so there's a term on the top
21 right, MLPFIHST. Do you know what that means?

22 A It's part of the coding. It's one of the -- it
23 appears to be a table, is what I would gather, based on
24 that language. It's a place where the data goes.

25 Q And this sentence over here, this is still

1 referring to the refreshes from TransUnion?

2 A Are you just talking about that sentence?

3 Q Yes.

4 A Yes. It says when the credit report data is
5 returned from TransUnion.

6 Q Okay. On Bates number 854, under -- in the first
7 box, in the big one with project name, do you know what
8 RKBK stands for?

9 A I mean the -- I'm not sure what the RK is. It has
10 to do with bankruptcy codes. I think the BK is
11 bankruptcy.

12 Q So does it relate to the codes on the next page,
13 855?

14 A Yes, that's correct.

15 Q So bankruptcy D, 8 and 9, Chapter 13, Chapter 13
16 cramdown. What does cramdown mean?

17 A What does cramdown mean?

18 Q Yes, number 9. Chapter 13, cramdown.

19 A A cramdown is a type of Chapter 13 bankruptcy
20 where the bankruptcy court -- I'm not a lawyer, so I
21 don't know probably the exact terminology to use -- but
22 essentially they revalue the loan to a lesser amount as
23 part of the bankruptcy.

24 Q So on Exhibit Number 16, that's the two-page
25 document here --

1 A Right.

2 Q -- I guess that's just another one, another change
3 document?

4 A Yes, that's correct.

5 Q And all these change documents, these apply to all
6 the accounts, right? They all go through the same system
7 of these refreshers, but just some have different -- pull
8 on different dates?

9 A Well, to say that all -- I don't think that all of
10 these documents apply to all accounts, but I think that
11 there's a process, and then there's an adjustment to that
12 process, and then an adjustment and adjustment. And I
13 think that these reflect the adjustments to the process
14 throughout time.

15 Q But the refreshers and the general system that
16 these documents are talking about, these just relate to
17 all of Green Tree's accounts that they do account reviews
18 in the system.

19 A All of the accounts that are reflected in the
20 document.

21 Q All of the accounts that are not excluded,
22 right?

23 A Right.

24 Q There's no other account review system. This is
25 it?

1 A No, this is it.

2 (Deposition Exhibit 18 marked.)

3 BY MR. KIND:

4 Q So I have here Exhibit 18. This is Green Tree's
5 responses to request for production of documents. I just
6 have one question on this.

7 So on request number 19, it's on page 13, I think
8 we probably covered this, but I just want to ask it
9 again.

10 The request is for "All policies, procedures,
11 manuals, instructions, or similar materials applicable to
12 performing account review inquiries on consumers' credit
13 reports."

14 And there's objections and no response that this
15 information is going to be produced.

16 Do you know of any policies, procedures, manuals,
17 instructions, or similar materials that exist regarding
18 account review inquiries that were not produced in this
19 case?

20 A No.

21 Q There's no specific policies and procedures about
22 the refresher system, right?

23 A That's correct. The policies and procedures
24 related to the -- you know, the individual hard pulls,
25 and then these change documents or design documents,

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1 that's what's in place for the refresh process.

2 (Deposition Exhibit 19 marked.)

3 BY MR. KIND:

4 Q I'm going to hand you here Exhibit 19. This is
5 Compliance Training Collections. Can you tell me what
6 this document is?

7 A So I think that this is probably -- this is --
8 looks like it's quite a few different versions of
9 excerpts from the same document, but there was -- so
10 compliance trainers would -- employees were, during these
11 time periods, required to go through an annual compliance
12 certification.

13 So at new hire, so this one is from new hire
14 training. So this would be an excerpt from a manual that
15 would be provided to new hires, and then there would be a
16 test that they have to pass stating that they were
17 knowledgeable in compliance sections.

18 And then there's sort of annual recertification on
19 those procedures, and these appear to be excerpts from
20 that training material.

21 Q So is this only for new hires, or they have to do
22 this once a year?

23 A Well, the title of this one is "New Hire," but
24 there is an almost identical document that would be
25 provided annually where there's an annual recertification

1 on compliance training.

2 Q These look like slides, right, for some sort of
3 presentation?

4 A Yes.

5 Q Do you know -- so is it someone that gives the
6 presentation to new employees?

7 A Yeah. So with new employees, the way it was in my
8 office, new hires would do like a -- it would be like the
9 web, you have somebody on the phone, and there's a
10 trainer that's conducting the training.

11 And then for the annual recertification -- the
12 annual certification we would have a compliance manager
13 in the office, in the training room, actually, you know,
14 conducting the presentation and doing question and answer
15 afterwards.

16 Q So it was either in person or online?

17 A Yeah, there's -- there's an instructor behind this
18 to explain and answer questions.

19 Q Okay. And does every employee of Green Tree go
20 through this?

21 A Certainly during the time frame that is reflected
22 here in these manuals.

23 Q But is this specifically for collection
24 employees?

25 A This one is. I mean, there are different versions

1 of compliance training for some different roles, but yes.
2 This one is -- is the collections training, yeah.

3 Q And then what about the -- I forgot what we called
4 them, but the tech people, the ones that code, the ones
5 that -- the team that works on the coding for the batch
6 TransUnion pulls. Would they go through something
7 similar to this?

8 A I don't think so, no.

9 Q How would they know about Fair Credit Reporting,
10 dealing with people's credit reports? Don't they have
11 some sort of training for them?

12 A I think all they do is code the system to the
13 specifications given on those documents that we were
14 looking at. So, you know, I think there's a process for,
15 you know, someone proposes a change, and then there's a
16 review process. Or someone signs off on that change, and
17 then the data folks just actually code the data.

18 Q By someone, would that be some executive? Like an
19 executive would come up with this plan to change it or --

20 A Well, you know, someone in management probably
21 wants to make a change based on some given reason,
22 someone in compliance. I mean we saw that Vermont change
23 that appeared to be driven by some Vermont state law, so
24 that probably was generated out of -- out of corporate
25 compliance.

1 Q Go to 732, please. Bates number 732.

2 A Okay.

3 Q So take a moment to read this over. Let me know
4 when you've done that?

5 A (Witness complies.) Okay.

6 Q So based on these rules or standards here, after a
7 consumer is -- receives a discharge in bankruptcy and
8 there's no collateral, there's no lien, based on these
9 rules, it seems like Green Tree would not pull their
10 credit report; is that right?

11 A Certainly a collector would have no reason to pull
12 a credit report on a person from whom they had no ability
13 to collect from.

14 Q Uh-huh. But what about other employees based on
15 these rules? Would there be any reason within these
16 rules here to pull a report under such circumstances?

17 A There would be no reason for a hard pull.

18 Q For a pull of the credit report?

19 A I mean this -- so this training document is
20 something that's sort of drawn from policy which -- the
21 policy that we went through earlier. So this is a
22 reflection of policy that addresses those hard pulls.

23 Q So assuming that whatever the definition of credit
24 pull -- of credit report is, credit report shouldn't be
25 pulled under those circumstances according to these

1 rules, right?

2 A These are the rules for pulling a customer's
3 credit report, you know, those hard pulls that we talked
4 about. This is not applicable to that -- to the refresh
5 program.

6 Q Does it say anywhere here anything about hard or
7 soft pull?

8 A It does not say that.

9 Q And it says pulling credit reports, so this
10 applies to all credit reports, assuming that whatever is
11 a credit report, this applies to a credit report, right?

12 A Well, presumably the reason that I'm here is to
13 help you interpret these documents, so that's what I'm
14 attempting to do with my answer here.

15 So the target audience here, as well as the target
16 audience for -- for the policy that drives this document,
17 that target audience has nothing to do with the -- with
18 the periodic refresh that we talked about on these soft
19 pulls.

20 So that's what I'm trying to distinguish in my
21 answer is that this has no relevance to those soft pull
22 refreshes because these users have no ability to do that,
23 and they have no -- they can't do that.

24 This has to do with the individual credit pulls
25 that they're accessing reports for legitimate business

1 needs, such as collections.

2 Q So this only applies to reports that access the
3 full report, that is, access from the drop-down menu on
4 an individual basis?

5 A That's what this is referring to, correct.

6 Q This does not refer to the batch uploads, the
7 batch refreshers, right?

8 A Right. The batch refreshers are driven by those
9 change documents that we went through earlier.

10 Q So the question is, after a bankruptcy discharge
11 where there's no longer any collateral associated with
12 the account, do you agree that that would not fall under
13 any permissible reason to access a credit report as we
14 just defined it on an individual basis?

15 A Right. We would not have a reason to do that.

16 Q Okay. And then also after an account is
17 transferred from Green Tree to another servicer, there's
18 also not going to be any legitimate business need or
19 permissible purpose to access a consumer's credit report
20 on an individual basis?

21 A Yeah. I mean, once there's a servicing transfer,
22 these folks would not even -- the account would be
23 showing closed in the system, so the people, you know,
24 target audience here, would not really even have a reason
25 to go into an account that had been transferred.

1 Q And would have no need for the credit report?

2 A They would not.

3 (Deposition Exhibit 20 marked.)

4 BY MR. KIND:

5 Q I'm handing you here Exhibit Number 20. Could you
6 tell me what this document is, please?

7 A This is part of new employee training document.
8 It's excerpts from it.

9 Q What does it mean, "Module 5, FNMA"?

10 A So module 5, I mean -- the modules are just a way
11 of breaking the training up into pieces. So there's a
12 corporate trainer who goes through pieces of the training
13 document and, you know, today we're going to cover
14 modules 1 and 2, tomorrow we're going to spend all day on
15 module 3. So it's just like chapters of the training
16 document. FNMA refers to Fannie Mae accounts.
17 They're -- so the training documents --

18 MR. KIND: I don't think he's going to go back on
19 that.

20 MR. CRAM: Okay, that's fine.

21 THE WITNESS: The training -- there's sort of one
22 sort of larger piece of training that applies to
23 everything, and at least at this time, and I'm not sure
24 how it's evolved since then, but for a long time, only --
25 there were some collectors who didn't deal with Fannie

1 Mae accounts.

2 So for a long time, there were sort of parts of
3 the training that you wouldn't -- they didn't bother to
4 put out there for people who weren't going to touch
5 Fannie Mae accounts. So it's like an extra layer of
6 training on top of the larger piece of training.

7 So presumably this is out of the Fannie Mae manual
8 that has some more stuff in there about Fannie Mae in one
9 of the modules.

10 BY MR. KIND:

11 Q Kamimura's account was not Fannie Mae, right?

12 A It was not. So just to kind of explain, so I
13 think if you look at -- so Bates stamp 442 is the 2015
14 Fannie Mae manual. Bates 444 is the regular manual. And
15 they probably both have a very similar, if not the same,
16 information on sort of this page. So I think this is
17 just probably an effort to give you everything by giving
18 you the Fannie Mae.

19 Q What's the difference between this training and
20 the previous exhibit?

21 A So the previous exhibit is the compliance training
22 that is conducted by a compliance manager, so -- as the
23 new hire goes through their new hire training, you know,
24 there's a portion of the training that is, you know, HR,
25 where somebody from HR comes in and tells them how the

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1 payroll system works, how to fill out their new hire
2 paperwork, how to do some HR-related stuff.

3 Then they move into a phase of training that is
4 specific to collectors and the collection process, and
5 that's done by a corporate trainer. That's what this is
6 (indicating).

7 And then later on, and it's actually not even --
8 it's not even necessarily part of that sort of initial
9 training phase, sometimes it may be like a week or two
10 after they're done with this, then they'll actually go
11 through the compliance training, which is a compliance
12 manager that is sort of zeroing in on and expounding on
13 some of the things that were already covered, but just
14 kind of going more in-depth.

15 Q So on page Bates number 445, this is a screen shot
16 capture. Could you tell me what that is a screen shot
17 of?

18 A Actually, this is probably what you were asking
19 for earlier. This is the -- this is a screen shot that
20 shows where you can access a credit report.

21 Q Individually?

22 A Yeah.

23 Q As opposed to the batch?

24 A Right.

25 Q And do you know if this comes back with -- as an

1 Experian or TransUnion, do you know?

2 A I believe that it's a merged report that -- I
3 think it probably has all the credit bureaus, but that
4 may be something that changes over time. But the way
5 that it -- the way that it works is that number 3 there
6 is the -- is the drop-down box where you actually order
7 it, and then, you know, a few minutes after ordering it,
8 the report is available within the imaging system.

9 Q And then what's the options on the drop-down?
10 Looks like it's some names? Name or names?

11 A Yeah, it's like -- I think that -- and it's been
12 awhile since I've pulled one -- but it may be the names
13 of the customers associated with the account. I actually
14 thought that it just stated like borrower or co-borrower,
15 but maybe it actually -- maybe it actually has the names.

16 But so this is like -- this screen shot is from a
17 specific account. So you're pulling up a specific
18 account for Mr. Smith, and then what the drop-down does
19 is allow you to say I want to pull the credit report for
20 Mr. Smith. Or if Mrs. Smith is the co-applicant, I want
21 to pull it for her, or I get an option for both.

22 Q Do you see anywhere on there where you answer the
23 permissible purpose?

24 A I don't believe that you do.

25 Q Do you know if it just automatically goes to

1 account review?

2 A What do you mean?

3 Q As we saw on Mr. Kamimura's credit report, it
4 comes up with -- it can be different categories,
5 promotional, account review, or it could be regular
6 inquiry, what you're calling a hard inquiry. So over
7 here, the user doesn't get to choose between what those
8 might be?

9 A That's correct. That's some sort of a TransUnion
10 classification of those soft pulls.

11 Q So it's set by default? For instance, let me give
12 you an example. Let's say one user at Green Tree is
13 trying to see if someone is going to be approved for a
14 loan modification. They go in there and they pull a
15 credit report. They don't choose what the reason is.

16 Another user is trying to find out where this
17 person lives because they're trying to send them
18 collection letters. They go in there and pull the credit
19 report. Is there a difference between the two? Do they
20 have to choose the permissible purpose?

21 A No, it just asks -- there's a pop-up that says,
22 "Do you have a permissible purpose," and you say "Yes."

23 Q And then by default, whatever it shows up --
24 whatever TransUnion reports, it shows up on the credit
25 report that there was a credit pull?

1 A There's a section of the credit report, it's
2 probably one of the redacted sections that you have
3 there, that shows inquiries.

4 Q Uh-huh.

5 A And it will show up as an inquiry from Green Tree
6 Servicing or Ditech or whoever on what date. That's how
7 it's reflected.

8 Q Do you know what system this -- this program -- or
9 this software links to to get a merged credit report from
10 all three? Do you know who the contract between Green
11 Tree is, Green Tree and which company?

12 A I don't. And I don't know that that's necessarily
13 the same sort of over time. I think there are multiple
14 vendors that perform that service.

15 Q And this screen shot here is taken from which
16 system?

17 A This is out of UCS.

18 Q Okay. And you don't know about the backgrounds,
19 what's going on, where it's linking to, which vendor?

20 A Yeah, I don't know who the vendor is, but the
21 report is available in the imaging system within seconds
22 after ordering it.

23 Q What's the name of the imaging system?

24 A NIS.

25 (Deposition Exhibit 21 marked.)

1 BY MR. KIND:

2 Q This is the last exhibit that we have for today.
3 It is Exhibit Number 21. Can you tell me what this is?

4 A This looks like screen shots of the FCRA
5 training.

6 Q Which employees go through this training?

7 A It's a very broad -- I mean, I don't know that I
8 could say everyone, but a lot of people do this. Many
9 more than would do this other set. It's an annual --
10 it's an annual thing that everyone has to do.

11 Q For the other set, which is Exhibit Number 20, is
12 that also done on a computer, the training?

13 A For this?

14 Q For Exhibit 20, yes.

15 A Is it done on a computer? Well -- so this -- this
16 one, as you say -- well, this one is more like slides
17 from a presentation, if that makes sense.

18 Q Okay.

19 A So it would be on a computer as presented, but
20 it's -- I think this is probably a PowerPoint, maybe.

21 Q Okay.

22 A This is a --

23 Q Exhibit 21?

24 A Yes. Exhibit 21 is -- it's a website, I think
25 BankersEdge is a vendor that we contract with, and you go

1 in there and there's like a pop-up box that walks you
2 through all of these pages.

3 Q And for Exhibit 21, this is annually, all the
4 employees have to do this?

5 A Yes.

6 Q And is it pretty much all the employees that have
7 anything to do with credit report have to take this?

8 A It's very broad. I mean, I -- I have no reason to
9 pull a credit report anymore, but I will have to do this
10 every year.

11 Q And then all the executives in the company,
12 management, everyone takes this once a year?

13 A Yes.

14 Q Is it only FCRA, or are there other ones you have
15 to do?

16 A Yeah, there are others. There's a series.

17 Q I suppose it gets updated once a year. It could
18 get updated every so often?

19 A Yeah, that's correct. Presumably that's -- you
20 know, BankersEdge, they make sure it's up to date with
21 any changes.

22 Q All right. Do you think that the tech team who
23 work on coding for the batch uploads, do you think they
24 probably go through this as well?

25 A I wouldn't be able to say for sure. I know it's a

1 lot of -- it's a much larger population than goes
2 through, say, the compliance training. And like I say, I
3 know from seeing lists of people who haven't completed
4 training and need to, that it's inclusive of, you know, a
5 lot of executives that probably don't have much reason to
6 pull credit reports on a daily basis. But I couldn't say
7 for sure about the tech people.

8 Q Do you know why Mr. Kamimura originally took out
9 the loan that was serviced by Green Tree?

10 A No.

11 Q Any reason to think it was a business debt as
12 opposed to a personal debt?

13 A I have no reason to think that.

14 Q So after going through all these documents and
15 preparing for today's deposition, do you know after an
16 account is closed, paid in full, how long after that it
17 normally drops off from the refresher lists?

18 A Well, after it's paid off, I don't believe that --
19 I think we saw -- we can look at the change document.

20 Q Sure.

21 A I think it's specified all active accounts. I
22 think we read that.

23 Q So if it's not an active account --

24 A So if it's not an active account, it wouldn't be
25 part of the population.

1 Q Do you know why that is, why Green Tree wouldn't
2 just continue to access everybody's and then get all this
3 information? Why would they not continue to look at not
4 active accounts?

5 A As far as I know, it wouldn't be part of the
6 population that they're looking at -- that we're looking
7 at for the data that we're trying to get.

8 Q All of the information that comes back from the
9 refresher list, that's all from TransUnion; is that
10 right?

11 A I believe that's correct, yes.

12 Q And TransUnion is a credit reporting agency?

13 A Yes.

14 Q And the information that comes back was compiled
15 by TransUnion, as far as you know?

16 A Can you be more specific?

17 Q Sure. The information that comes back on those
18 refreshers, that information about those consumers is
19 compiled by TransUnion and sent back to Green Tree?

20 A Just so I understand what your question is, are
21 you asking me if the information that TransUnion sends to
22 us is compiled by TransUnion?

23 Q Yes.

24 A I believe that it probably is.

25 Q I just have a couple more questions just to finish

1 up and we'll be done.

2 Do you know if the information that comes back
3 from the refreshers is ever shared with any other company
4 or entity besides Green Tree?

5 A This -- these refreshers are for internal
6 purposes.

7 Q As far as you know, it's never shared?

8 A As far as I know.

9 Q But you're not really sure -- I think we discussed
10 this -- you're not sure how they're saved, the text
11 documents?

12 A I'm not sure how they're saved.

13 Q Could it be on the cloud, meaning online saving
14 them?

15 A I am -- I'm unaware of any -- anything that we
16 have that's saved on the cloud.

17 Q So everything is based on local servers?

18 A Everything I've ever dealt with has been based on
19 a local server. Well, on a server. I mean, it -- I may
20 be sitting in Las Vegas accessing information that's on a
21 server that's sitting in Tempe, Arizona. But I think
22 it's our dedicated server.

23 Q So if you're here in Las Vegas at a coffee shop on
24 your laptop, you can access those servers and see the
25 information in there?

1 A Well, I mean, some things -- I can look up a
2 customer's account.

3 Q Say that again?

4 A I can look up a customer's account. I don't have
5 access to everything.

6 Q What about the imaging, the imaging database?

7 A Do I have access to imaging? Yes.

8 Q Okay. Has all the documents that are saved in
9 there, right? And that's probably the text file that
10 comes back from TransUnion, is that saved as an image as
11 well?

12 A I don't believe so, no.

13 Q You don't believe so. We discussed that before,
14 you're not sure exactly where that's saved, right?

15 A I'm not sure where it's saved, but I'm relatively
16 certain that it's not saved as part of the customer's
17 imaged file. I've looked at probably hundreds of
18 thousands of customers' accounts throughout the years,
19 and have gone through every single imaged document for
20 many of those customers, and I've never seen anything
21 like that. So I would say with some degree of certainty
22 it's not part of the customer's imaged file.

23 Q It would be on some other place, server or
24 something?

25 A It could be.

1 Q Do you know if that could be accessed remotely?

2 A I have no idea.

3 Q And then I suppose as we -- just sitting here
4 today, do you know if Green Tree has changed their
5 practice in terms of taking away customers from that list
6 that go to the refreshers after there's a bankruptcy?

7 A I believe that all of the changes that we've made
8 are reflected in the documents we looked at. I think we
9 saw a couple of changes that were made to the refresh
10 process on bankruptcies.

11 Q And is it true that -- and you can look back
12 through the documents -- is it true that right now Green
13 Tree no longer includes customers whose accounts have
14 been discharged on those refresher lists?

15 A As it was indicated in that change list, you saw
16 that long list of bankruptcy codes, so the codes that
17 are -- I mean, there are several codes for bankruptcy, so
18 it's not as simple as just bankruptcy discharge. But, I
19 mean, those change documents reflect which bankrupt
20 accounts are being excluded.

21 Q Do you know if a Chapter 13 discharge with no
22 collateral, are those being excluded right now?

23 A I don't believe that's one of the codes. If you'd
24 like to, I guess, direct me to the change document, we
25 can look at those again.

1 Q I'm not sure which change document it might be. I
2 don't even know if we have all of them here, too. I'm
3 just asking if you know in general.

4 A In general, I don't think that, as described, I
5 don't think that's a particular bankruptcy code that we
6 have. I don't recall it ever mentioning collateral.

7 Q So do you know if discharge after a Chapter 13
8 general, are those still being included on the lists?

9 A We can look back at that if you want.

10 Q Sure. I think that would be Exhibit 16 and 17.

11 MR. CRAM: 17?

12 THE WITNESS: Yes. Yeah, 17. I don't think 16
13 addressed bankrupt accounts, did it?

14 So -- what page? Page 50. So let's see. So
15 codes D, 8 and 9 --

16 BY MR. KIND:

17 Q When it says the project will add the codes from
18 exclusions, that means that they're now going to be
19 excluded?

20 A That's correct. So if we look at Bates 855, the
21 current list of exclusions are those that are
22 highlighted, so A, E, F, G, H, M, N, O, those are all
23 excluded. And then we're adding codes D, 8 and 9. So
24 those would be -- those would be added to the list of
25 exclusions.

1 Q What is -- so 8 and 9 -- well, let's see, number
2 8, Chapter 13 filing. So that means after a Chapter 13
3 has been filed, it's going to be excluded?

4 A I'm not certain how that code is defined.

5 Q What does COAP stand for?

6 A Co-app, co-applicant.

7 Q But anyway, number 3 is Chapter 13 filing. So
8 would that mean that once a Chapter 13 is filed, it's
9 excluded? Is that right?

10 A I think that's safe to say.

11 Q Okay. But then J -- not J -- C, Chapter 13
12 discharge, so after the discharge, then it becomes back
13 to not being excluded, it goes back onto the list. Is
14 that safe to say?

15 A Yes.

16 Q Do you know why that is?

17 A Well, I mean, most Chapter 13 discharges that
18 are -- that are still active accounts are people that --
19 or customers that we have an ongoing relationship with.
20 So somebody filed bankruptcy eight years ago, it was
21 discharged three years ago, and they've been making
22 payments for the last three years.

23 Q And how about T, Chapter 13 discharge surrender in
24 plan. What is that? Is that when -- you tell me, what
25 does that mean?

1 A Well, it's --

2 MR. CRAM: I'm going to object, calls for a legal
3 conclusion.

4 If you know, you can answer.

5 THE WITNESS: I mean, it's sort of as it states, I
6 assume. Again, I don't -- I don't -- what I read it to
7 mean is that where the customer opts to surrender the
8 collateral, that would be coded as T rather than someone
9 who's keeping the home.

10 BY MR. KIND:

11 Q So for Mr. Kamimura, so he had a Chapter 13. It
12 was stripped off, and there was no collateral after the
13 Chapter 13 discharge. Do you know which code he had on
14 his account?

15 A You know, I don't.

16 Q How do we find that out? That seems pretty easy
17 to do, right?

18 A Yeah, we should be able to find that.

19 Q And there would be a record of which code he was
20 at any specific time?

21 A Honestly, I'm not sure exactly how that works.
22 I'm not sure how that information is archived, whether
23 it's archived or it's just overwritten as it's changed.
24 I don't know.

25 Q I'm going to see -- I think it was one of the

1 earlier exhibits with the account notes. Isn't that
2 something that might be in an account note that it's
3 changed to a specific code?

4 A I've never seen that in the account notes. I
5 think it's just a change in a data table out there on
6 GTA.

7 Q So there may never be a way to find out what
8 account code he had on his account for a specific date?

9 A I didn't say that. I'm just saying I don't -- I
10 don't know exactly how that works.

11 Q Do you mind just bringing out Exhibit 6. That is
12 those account notes.

13 A Okay.

14 Q Is there anywhere on here, either on the first
15 page or in the notes, where it shows any -- which
16 bankruptcy code -- what is it? Is it a status?

17 A There's a code line within the servicing system
18 where there's a code added that corresponds to those
19 codes that we saw on the change document.

20 So, you know, the -- so there's nothing here that
21 documents a change to the bankruptcy code. That said,
22 there would have been a code that corresponded with
23 the -- you know, the documentation that we got from the
24 bankruptcy, that September 13th comment.

25 Q But you're not sure where that would be, where

1 that's saved?

2 A No, I don't know.

3 Q And then on the first page of Exhibit 6, there's
4 no reference there to that either that you see, right?

5 A No.

6 MR. KIND: Okay. All right. I have no further
7 questions.

8 Did you have any other questions?

9 MR. CRAM: No.

10 MR. KIND: That concludes the deposition.
11 Anything to add?

12 MR. CRAM: No.

13 MR. KIND: Off the record.

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1 I, the undersigned, a Certified Court Reporter of
2 the State of Nevada, do hereby certify:

3 That the foregoing proceedings were taken before
4 me at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were duly sworn; that a record of the
7 proceedings was made by me using machine shorthand which
8 was thereafter transcribed under my direction; that the
9 foregoing transcript is a true record of the testimony
10 given.

11 Further, that before completion of the
12 proceedings, review of the transcript [] was [XX] was
13 not requested.

14 I further certify I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney or party to this action.

17 IN WITNESS WHEREOF, I have this date
18 subscribed my name.

19
20 Dated: June 8, 2017
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24 BARBARA R. JUSTL, RPR

25 CCR No. 878